the weekly
Standard

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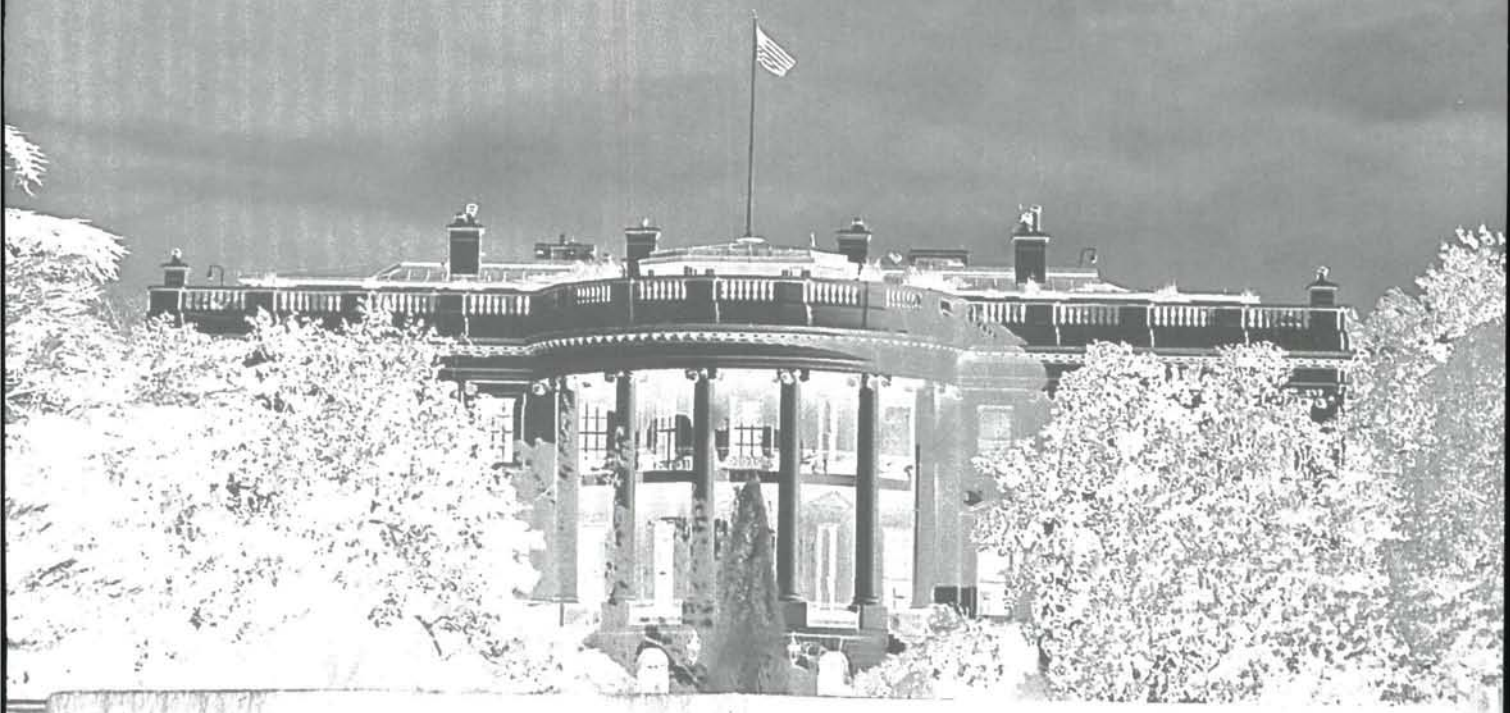
THE LIBBY CASE: A DAMAGE ASSESSMENT

FRED BARNES * STEPHEN F. HAYES * WILLIAM KRISTOL



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Contents

November 7, 2005 • Volume 11, Number 8

2 Scrapbook . . . . New Republic, *Miers, the craven NYSE.*

4 Casual . . . . . *Irwin M. Stelzer, too Bushed to argue.*

6 Correspondence . . . . . *On medals, licking Vermeer, etc.*

9 Editorial . . . . . *George W. Bush's Not So Terrible Week*

Articles

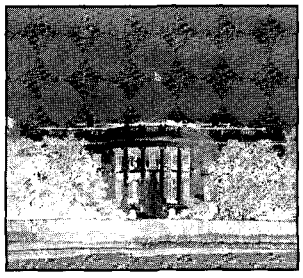
14 Why This Man Is Smiling *Karl Rove's survival is a boon for the Bush White House.* . . . . . BY FRED BARNES

15 A Victimless Crime . . . BY ABC NEWS, ASSOCIATED PRESS, CBS NEWS, CNN, KNIGHT-RIDDER, NBC NEWS, ET AL.

17 Not So Gorgeous *Antiwar demagogue George Galloway gets his comeuppance.* . . . . . BY DUNCAN CURRIE

18 Ay, Caramba! *Spanish judges claim global jurisdiction.* . . . . . BY PABLO PARDO

20 Propositioned by Arnold *The Governator puts his political reputation on the ballot.* . . . . . BY BILL WHALEN



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Features

22 A Spooked White House

The damage that has already been done by the CIA leak investigation. . . . . . BY STEPHEN F. HAYES

26 Faith in Democracy

How the debate over religion in the West distorts our understanding of freedom in the Middle East.

. . . . . BY JAMES W. CEASER

Books & Arts

33 Paralyzing Fear *How the 'conquest of polio' became a national crusade.* . . . . . BY CHRISTINE ROSEN

35 The Two Sharias *Islamic law is open to interpretation.* . . . . . BY MORGANA SINCLAIR

37 Senator No *How a southern conservative became a national Republican.* . . . . . BY CLYDE N. WILSON

38 Rhapsody in Blue *The requiem for classical music is premature.* . . . . . BY KELLY JANE TORRANCE

41 Antarctic Story *Why human beings like 'March of the Penguins.'.* . . . . . BY JOE QUEENAN

43 THE STANDARD READER . . . . . Where There's a Will *by John Mortimer.*

44 Parody . . . . . *Doreen Mowd on Moody Jiller.*

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Great Moments in Self-Promotion

When Special Prosecutor Patrick Fitzgerald released the indictment of Vice President Cheney's chief of staff Scooter Libby Friday afternoon, staffers at the *New Republic* were so thrilled to learn that one of their articles had been cited in the text of the indictment that they mentioned it in three separate posts on their new blog, "The Plank."

"A 2003 TNR article by Spencer Ackerman and John Judis plays an important role in the Libby indictment," read one of the entries, modestly headlined "TNR and the Indictment." Here is how the prosecutor cited it:

> On or about June 19, 2003, an article appeared in *The New Republic* magazine online entitled "The First Casualty: The Selling of the Iraq War." Among other things, the article . . . stated that following a request for information from the Vice President, the CIA had asked an unnamed ambassador to travel to Niger to investigate allegations that Iraq had sought uranium from Niger. The article included a quotation attributed to the unnamed ambassador alleging that administration officials "knew the Niger story was a flat-out lie."

Prosecutors are not in the business of providing helpful political context and neither, in this case, is the *New Republic*. The reason this article "started the 'chain of events' leading to the Libby indictment," as one of their bloggers put it, was not its tasty, chewy goodness. Rather, the article was full of toxic untruths from the "unnamed ambassador"—Joe Wilson—that Ackerman and Judis credulously published (and that Wilson himself would later, under oath, retract). In the face of this provocation, one can well understand why the vice president's chief of staff might have hit the roof: Who the hell is this ambassador? *What* mission to Niger? What does he mean *we* were telling a "flat-out lie"?

At the heart of Ackerman and Judis's 7,000-word opus, and the apparent justification for the magazine's unworthy implication that the Bush administration had lied us into the war in Iraq, was this paragraph:

> One year earlier [in 2002], Cheney's office had received from the British, via the Italians, documents purporting to show Iraq's purchase of uranium from Niger. Cheney had given the information to the CIA, which in turn asked a prominent diplomat, who had served as ambassador to three African countries, to investigate. He returned after a visit to Niger in February 2002 and reported to the State Department and the CIA that the documents were forgeries. The CIA circulated the ambassador's report to the vice president's office, the ambassador confirms to TNR. But, after a British dossier was released in September detailing the purported uranium purchase, administration officials began citing it anyway, culminating in its inclusion in the State of the Union. "They knew the Niger story was a flat-out lie," the former ambassador tells TNR. "They . . . added this to make their case more persuasive."

It's perhaps understandable that any magazine's staffers might want to make the most out of some free publicity provided courtesy of the U.S. Department of Justice. But surely they can't really want people to reread the article. As anyone who followed the Joe Wilson saga subsequently discovered, every critical claim in the paragraph above is false.

The Niger story was not "a flat-out lie." The documents relating the purchase of several hundred tons of Nigerien uranium by the government of Saddam Hussein were not debunked by Wilson, but a year later by the International Atomic Energy Agency (well after the president's January 2003 State of the Union address). "The prominent diplomat," upon returning from Niger, did not tell the State Department and the CIA that "the documents were forgeries." As he would later admit, he had never seen the documents and was unaware of their existence at the time of his mission. And it is not true to say that "the CIA circulated the ambassador's report to the vice president's office." In fact, Wilson only gave an oral debriefing to the CIA, the contents of which, not incidentally, were found to bolster, not undermine, the idea that Saddam had sent his agents to Niger seeking uranium in the late 1990s. All of this has been publicly known since July 2004, when the Senate Select Committee on Intelligence released a report shredding Wilson's credibility.

So hip hip hooray for TNR's role in the indictment. After all, there are worse things for a magazine to be famous for. Just ask Stephen Glass. ♦

A Miers Postscript

Had Harriet Miers not asked that her nomination to the Supreme Court be withdrawn, perhaps this Associated Press scoop might have gotten more attention: Miers "spent her teens" attending an "all-white high school" in the northern suburbs of Dallas, Texas, "far removed" from the "racial and social upheaval of the early 1960s," reported AP's Matt Slagle. The October 26 story—headlined "Miers Isolated From Social Turmoil As Teen"—contained the following explosive revela-

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tions: (1) While Miers was in high school, "civil rights touched nearly every corner of the South," hither and yon, from "lunch counter sit-ins in Greensboro, NC, in 1960" to "the Freedom Riders who traveled the South to test the 1960 Supreme Court ruling outlawing racial segregation in interstate public transit."

(2) And yet, it turns out, "racial integration had not yet reached" Hillcrest high, from which Miers graduated in 1963.

(3) And yet, it further turns out, rather than burn her bras, light up a doobie, and join the Panthers, the 17-year-old Miers "captained the tennis team, served as secretary of the Latin Club and the National Honor Society and"—talk about being an establishmentarian—"was treasurer of her senior class."

(4) More, "cultural changes in dress and lifestyle also remained on a distant horizon" in 1963, Slagle reports. Says classmate Ron Natinsky: "Our teachers were 'Yes ma'am, yes sir.' We didn't have long hair. We weren't into the revolution that came a couple of years later." The horror. And reminiscent of an equally preposterous AP "scrutiny" of John Roberts's Indiana upbringing, which uncovered the shocking fact that when "two days of looting and vandalism" erupted in nearby Michigan City when Roberts was 15, it "barely intrud[ed] on the Mayberry-like community that was largely insulated from the racial strife of that era."

All of which makes us wonder: How many of our nation's print and television journalists were not in some way "isolated" from "racial and social upheaval" while in high school? ♦

Animal Update

As Wesley J. Smith reported in these pages three weeks ago ("Wall Street Goes Wobbly"), animal liberation extremists have declared war on Life Sciences Research because the company engages in medical testing on animals. Their main tactic is known as "tertiary targeting." Liberationists threaten employees of companies doing business with Life Sciences, such as insurers and bankers. And the mere threat of being so targeted apparently drove executives at the New York Stock Exchange to "delay" plans to list Life Sciences on the Big Board.

Adding credence to the charge of appeasement by the NYSE, the Senate Committee on Environment and Public Works held hearings on the matter last week in which an Exchange lawyer refused to explain the NYSE's sudden change of plans. Meanwhile, Jerry Vlasak, a spokesperson for the "liberationists," claimed that "murdering" people "who hurt animals and don't stop when told to stop" is a "morally justified solution to the problem"—as chilling an apologia for terrorism as you will ever hear in a Senate hearing.

The NYSE's buckling under to such threats should be huge news but instead has barely been covered. THE SCRAPBOOK can only imagine the font size of the headlines if these animal-rights terrorists were seeking to stop abortion or illegal immigration. ♦

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Casual

Dining Alone

There was a time when it was almost fun to confront the Bush-haters and anti-Americans in Britain, where I live. And not only because of my natural love of forensic combat. No, the arguments were fun because my wife, Cita, and I invariably won. Not that we changed any minds, or induced any "I see your point" responses. That would be too much to ask. But we did induce sulking on the part of our adversaries, which was triumph enough.

The best part was that our opponents included not only what the British call the "nutters," seemingly respectable members of the chattering class—well turned out, well spoken, some with titles—who insist that America and Israel colluded to bring down the World Trade Center; that Bush is a religious fanatic who regularly talks to God and does his bidding (*Go forth, George, and smite the Arabs, and the Iranians, and the North Koreans, and whatever other nation fails to recognize that might makes right*); and that Jewish neoconservatives (or is it Christian fundamentalists?) have captured America's foreign policy machinery and put it at the service of Ariel Sharon. Understand: These views are not held by people who babble in the street; they are held by many you would not be alarmed to see sitting at the next table in a fine restaurant.

We managed to win over opponents saner than the loony fringe. One might disagree with the American decision to enter Iraq, we would concede, but can anyone dispute that the world is better off without Saddam Hussein in power? And one can argue that we initially messed up the occupation of Iraq, but that doesn't dictate that we simply pull out, leaving the country in the hands of murderous terrorists eager to establish a new base after the destruction of their base in Afghanistan, does it?

As for Kyoto, yes the president was a bit abrupt in the manner of his refusing to sign the protocol, but the signatories are not meeting the emission quotas to which they agreed, and the world is now looking to America to develop the clean coal technology that will allow China and India to increase their electricity supplies without melting the icecap and causing such other environmental damage as worries the global-warming crowd. Score one for America.

Then there is Africa. True, our government donates a lower portion of our (massive) GDP to various forms of aid to Africa, but count in private sector giving and Americans come to the top of the donor list. As for trade, the United States may have found it necessary to limit the importation of Chinese bras and a few other items, but our president has offered to attack third-world poverty by ending all trade-distorting agricultural subsidies if other nations do the same. That offer produced a French "*non*" that leaves America in the vanguard of the free trade movement, and France and the rest of the E.U. so far to the rear that they are not even in the parade.

All of that was in the glory days—game, set, and match for us in almost every argument: U.S. crime down, violent crime in the U.K. up; U.S. taxes down, U.K. taxes up; U.S. productivity up, U.K. productivity somewhere between flat and falling; U.S. at full employment, or nearly so, E.U. unemployment running in persistent double digits. There's more, but you get the idea.

That was then, this is now.

The unfortunate fact is that it has become more difficult to defend the Bush administration. Although the United States is making progress in Iraq, at least in putting in place institutions that just might provide a framework for sensible governance, we are not learning as quickly as might have been expected how to pacify the country, restore its infrastructure, and kill the terrorists. The president is unable to focus the resources of a nation that can produce almost 20 million cars and trucks every year, but cannot turn out the armored vehicles and vests our soldiers need to stay alive. The Defense Department cannot figure out how to provide Baghdad with an adequate supply of electricity, preferring its antiquated procurement process to on-the-ground results. Try explaining that away at a London dinner party.

Or try explaining why of all the lawyers in all the law firms in all the world Bush could only find the likes of Harriet Miers to nominate to serve on the Supreme Court. Or try defending the profligate spending that contributes to the imbalances that threaten the world economy, especially when that spending is on what informed Brits now know enough to call "pork."

It can't be done. So we dine at home more often, and outfit a new office in Washington to provide a retreat—in both senses of the word.

Irwin M. Stelzer

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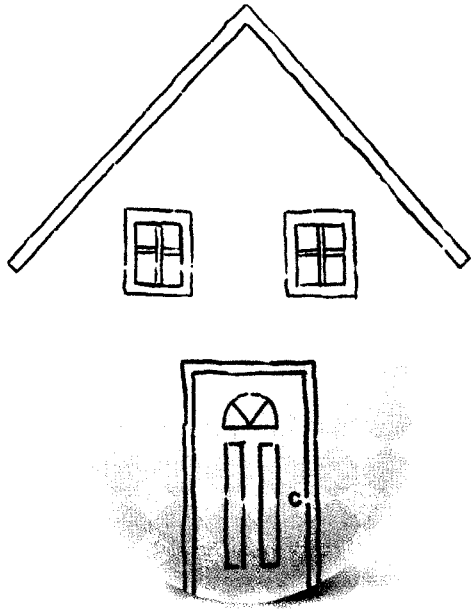

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Screaming Beagles

In his condemnation of the tactics of some British animal activists, Wesley J. Smith neglects to mention why these people are protesting some animal testing companies and their suppliers ("Wall Street Goes Wobbly," Oct. 17). Here is a sample of what he didn't explain: At Huntingdon Laboratories in Cambridgeshire, England, beagles were videotaped screaming as two technicians forced them to simulate intercourse with each other while one jabbed the dogs with a needle. At the Royal College of Surgeons a baby monkey was found with the word "crap" tattooed onto his forehead. One of the top animal experimenters in Britain had his license suspended by the Home Office when an animal rights activist secretly filmed him leaving a rabbit to burn under a surgical lamp while he chatted with another researcher.

Can Smith explain how this behavior can be called science, how it helps us find cures for disease, and how he can possibly defend it?

Kathy Guillermo
People for the Ethical Treatment of Animals (PETA)
Norfolk, VA

Wesley J. Smith responds: Such incidents of animal abuse have nothing to do with legitimate medical research and should be prosecuted. (Note that the undercover animal rights activist was apparently more interested in getting pictures than saving the burning bunny.) But isolated violations of animal cruelty laws do not justify lawless vigilantism. SHAC and other animal liberationist thugs (who operate in the United States as well as the U.K.) are not merely "protesting some animal testing companies and their suppliers." Tertiary targeting is terrorism. It victimizes innocent people who work for banks, insurers, and other companies, and whose peaceable lives are criminally disrupted by threats, vandalism, and harassment.

PETA's response to my article demonstrates that the organization is not at all bothered by lawlessness in the cause of animal liberation, proving my concluding point that the animal rights movement is losing the right to call itself peaceable.

Vermeer-Licking Good

I was appalled and shocked that David Gelernter would pander to painter Robert Natkin, who has "licked Vermeer, taken on the establishment, and won" ("Passion in Abstract," Oct. 10).

Gelernter is a marvelous, imaginative writer, and I almost fell for his hyperbole, until I saw the painting he was supposed to be describing. "Ascension" is just more of the same old meaningless blobs of paint filling up the lonely rooms of art galleries around the country. There must be thousands of ways to rearrange lots of paint on large canvasses, but it takes a truly stretched imagination to see in the picture the "beauties" Gelernter describes. "Licked Vermeer," come now!

June Anderson
Lewisburg, WV

GOP Agenda: DeLayed?

How can Fred Barnes describe the 2005 Bankruptcy Reform Act as evidence of Tom Delay's "success," as he does in "After the Hammer, a Blunt Force" (Oct. 10)?

Although the act was advertised as "conservative," it is not. The conservative goal of requiring debtors to be more responsible for their actions is substantially diluted by employing modern, if not liberal, mechanisms to achieve those goals. For instance, the legislation will expand the Department of Justice's responsibilities, bureaucracy, and budget, and it requires many debtors to complete a complex, and therefore expensive, financial analysis. The analysis, however, is open to significant manipulation, and it makes the system more of an expensive "game."

As an attorney with 25 years experience practicing bankruptcy law, I see the legislation as a smorgasbord of special interest desires. While it is ironic that it is now necessary to label special interest legislation as "conservative" in order to enact it, all is not lost. The legal fees associated with filing bankruptcy are expected to double if not triple. Now that is success!

James Rigby
Seattle, WA

Ribbons Unworn

The Scrapbook item "Fruit Salad Inflation" (Oct. 10) rightly decries the over-awarding of medals and ribbons in the military. This is true of all branches, though to a lesser extent of the Marines, and can only serve to cheapen the value of the decorations. The examples provided of Gen. Eisenhower and Adm. Nimitz, however, are in error. Both men were highly decorated officers and rated many more than three ribbons but no doubt chose to wear their most senior, personal awards.

Cpl. Raphael Balsam, USMC
Camp Pendleton, CA

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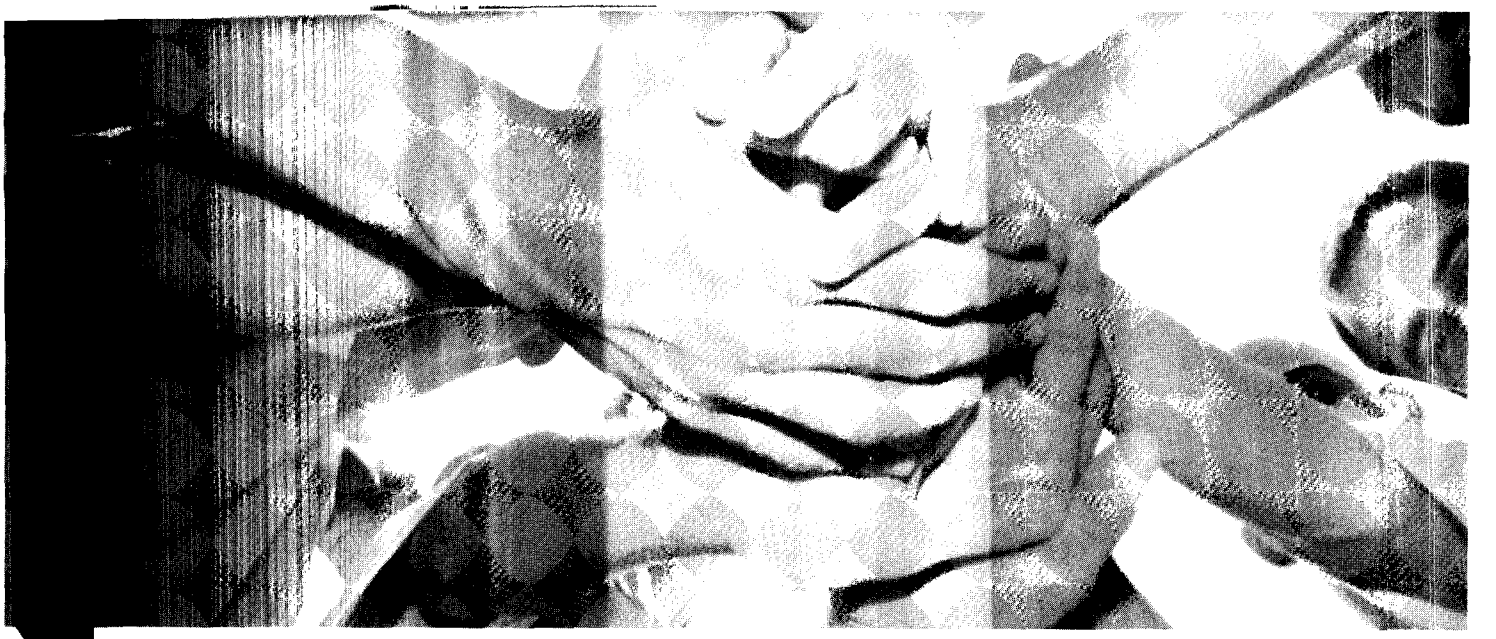

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the weekly Standard

George W. Bush's Not So Terrible Week

Last week the Bush administration's second-term bear market bottomed out. On Monday, Bush nominated as the next Federal Reserve chairman Ben Bernanke, who of all the leading candidates will be the central banker least hostile to tax cuts and least likely to direct monetary policy to any end other than combating inflation. At the end of the week, the Commerce Department announced that economic growth in the third quarter had been 3.8 percent, suggesting that, thanks in large part to Bush's supply-side tax cuts, our economy may remain strong enough to overcome the twin hurdles of high energy prices and rising interest rates.

Meanwhile, the political process in Iraq continued in a relatively promising direction, as some Sunni groups seemed increasingly reconciled to pursuing their goals through politics rather than betting on the success of the insurgency. On the military front, the joint U.S.-Iraqi effort to fight an effective counterinsurgency seemed to be making some progress. And the prospects for less troublemaking by Syria seemed to improve as well, with the Assad regime thrown back on its heels by a U.N. report implicating it in the assassination of the former Lebanese prime minister.

President Bush's beaten-down political fortunes are ripe for a rebound. It's time to go on the offensive.

On Thursday, Harriet Miers withdrew her candidacy for the Supreme Court, producing a massive sigh of relief from Bush supporters and conservatives throughout the nation. Now the president has the chance to pick a strong nominee and to rally his supporters for a winning fight on his or her behalf.

And then, of course, on Friday, Special Counsel Patrick Fitzgerald's two-year investigation came to an underwhelming conclusion with the indictment of Vice President Cheney's chief of staff, Scooter Libby—not for any underlying crime but for impeding the investigation through perjury and false statements. This is a distressing development for those of us who have known and admired Libby for many years. If Libby is guilty of purposely lying to a grand jury, that cannot be excused or minimized. But let's not forget that he has not yet had his day in court.

The larger story on Friday was that Fitzgerald indicted no one else. The wrongdoing leads in no way beyond this one individual and what he allegedly said to FBI investigators and the grand jury. There was no conspiracy, high level or otherwise, at the White House, or involving the Defense Department or the State Department—all scenarios that enemies of the administration had been fantasizing about for months.

It may sound odd to call this good news for the president. But go back and read the fevered anticipations and lethal expectations of Bush's critics over the last month. This was going to be the moment when the case for war was discredited. This was going to be the moment when the supposed venality and corruption of the Bush administration was going to be exposed. This was going to be the moment when the whole criminal conspiracy would unravel. This was going to be the moment of paralysis and disgrace for Bush and Cheney and the assorted warmongers in their employ.

This does not mean, of course, that the Bush White House and its supporters should heave a sigh of relief and relax. It does mean that the administration and its allies have a chance now to go on the offensive: to make the tax cuts permanent, to look for occasions to insist on spending restraint, to make progress in restoring constitutional jurisprudence, and above all to make strides toward winning the war in Iraq, and the broader war on terror.

With the dénouement of the Miers fiasco and the Fitzgerald investigation, President Bush's beaten-down political fortunes should be ripe for a rebound. As we've said before, the recipe for starting a rally is straightforward: Get back to basics on the economy, the courts, and foreign policy. Go on the offensive in all of these areas. To regain the ground that was lost and to forge further ahead will require energy, discipline, and boldness from the Bush administration, and from the president himself.

—*William Kristol*

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Ukraine: Target for Investment

Ukraine is fast becoming one of the most industrially progressive countries in Europe.

There is a general consensus amongst international financial organizations that Ukraine is set for solid economic growth over the next decade. The country's gross domestic product grew by 12.1 per cent in 2004, as opposed to the expected 4.8 per cent. This increase proves Ukraine's economic resilience and persistence, as it was achieved in the midst of much political instability. Subsequently, Ukraine is becoming an increasingly attractive target for foreign investors; many Russian firms already consider the country a top investment destination.

Many predict that Ukraine will join the World Trade Organization (WTO) before the year is out. The WTO unites 148 countries and coordinates 95 per cent of the world trade. Admission to the WTO would mean integration into the international market economy and the establishment of legal grounds for stable and predictable business. Furthermore, membership would encourage development of the national economy, liberalization of external trade and the establishment of a predictable climate for foreign investment.

Cutting Edge of Machine Manufacture

Ukraine, in the last 5 years quickly developed its industrial capacity, principally in the metallurgical and heavy machinery industries.

One of the most dynamically developing and successful heavy machinery companies is OJSC Azovmash. The company specializes in manufacturing high-technology equipment for metallurgical factories, sea ports, and various railroad wagons.

Azovmash has a history dating to the end of the 19th century. Notwithstanding numerous reorganizations, by upholding long-standing traditions the company has been producing quality, high-technology products. Until 1990, the company was practically the sole manufacturer for converters, heavy weight cranes, and railroad tank cars meeting single-handedly all the needs of the Soviet Union.

"At the time we had to abide by Soviet standards and needs. Our main tasks were to increase production and quickly expand the company. We never had complaints in fulfilling these goals. However technological progress was not a priority to the Soviet Union," explains Alexander Savchuk, President of Azovmash.

In the beginning of the 1990s, in connection with the fall of the Soviet Union, a general economic decline across all Ukrainian industries, liquidation of defence sector orders, and appearance of tough competition in traditional markets, Azovmash experienced greater difficulties, but overcame them and currently is the leader among machinery manufacturers in the former Soviet Union.

So how did the company manage to succeed in such a spectacular way?

"The last decade was the most difficult in the entire history of the company and nevertheless, we achieved success, overcame crises, primarily because we were constantly perfecting our research and development potential."

"Take as an example the year 2004. We invested more than $40 million dollars (US) in technical development of the company and thanks to this were able to win the main tenders we participated in for transportation and metallurgical equipment.

"And notwithstanding that in the last year we had a decrease in revenue, but capital investments in technological development were unaffected. I believe that within the near future these outlays will not only be compensated but provide a distinctive competitive advantage," says A. Savchuk.

Undoubtedly, Azovmash's recipe for success is in tirelessly searching for original ideas and striving to more fully accommodate client demands.

Mr. Savchuk emphasizes that, "Our motto is from ideas to success. The most important thing for us is to be on the leading edge of developing new technologies.

Mr Alexander V. Savchuk, President - Chairman of the Board OJSC "Azovmash"

"Our experience shows us that one of the fundamental ways of succeeding is to be able to propose innovative solutions by integrating the most modern developments in a given industry. Therefore we strive for cooperation with leading companies of the world that produce the similar equipment. For example, we are currently jointly developing with Italian company Danielli, metallurgical equipment for converter shops and this unification of potential provides very good results for both companies and ultimately our clients. We are actively developing our corporation, which I believe allows us to produce the best equipment for metallurgical factories in the world."

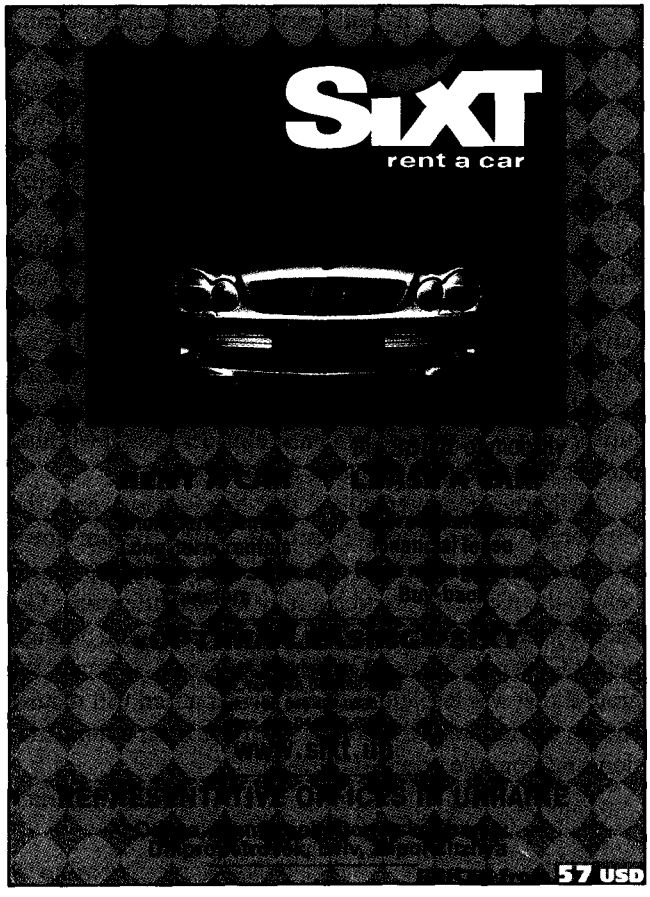
Mr. Savchuk believes that success may be long-lasting only by prioritizing investment in research.

"We have 20,000 employees, 1,500 of them are solely in R&D departments. Compensation for them is the highest among equivalent establishments in Ukraine. Precisely this approach grants us the ability to compete with the world's best companies," says A. Savchuk.

He is sure that Ukraine will become the most industrially progressive European country with large investment opportunities. "I believe that in the near future the attractiveness of investments will sharply rise in Ukraine. Russian businessmen already consider Ukraine the highest priority for investment and are ready to invest billions themselves. American companies that are already working here are not sorry."

"Today we have a president who is deeply devoted to Ukraine. I recently heard him speak. He truly wants to make life for Ukrainians better. It is necessary to have greater stability in politics and business, everything else in order to increase investments we already have, primarily these are the friendly, educated, and hardworking people.

This is a very difficult and rocky path, but we are able to solve all problems and to reach our goals. Welcome to Ukraine and you will see opportunities for yourself," he said in conclusion.



Mobility for the People

Ukraine is on its way to becoming one of the most industrially progressive countries on the European continent with an economic growth rate of around four per cent per year. Ukraine's location in central Europe makes the country easily accessible and hence, a popular tourism destination. Consequently, there is a demand for an efficient car rental industry. Natalie Nesterchuk, Director of major car rental company Sixt Rent a Car, describes the Ukraine as the fastest growing market in Europe.

The car rental industry has benefited from the Project of Leasing Development, an International Finance Corporation programme that focuses on market analyses and on stimulating the industry. The leasing mechanism plays an important role in attracting investment needed for purchasing production assets.

The cofounder of Sixt, Vadym Nesterchuk, explains: "the lack of long-term financing in Ukraine continues to curb leasing development, but we hope that together with international programs we can create the conditions needed for attracting financial investments." He goes further to say: "taking into account this positive economic background, we remain optimistic about the future growth of the leasing market in Ukraine."

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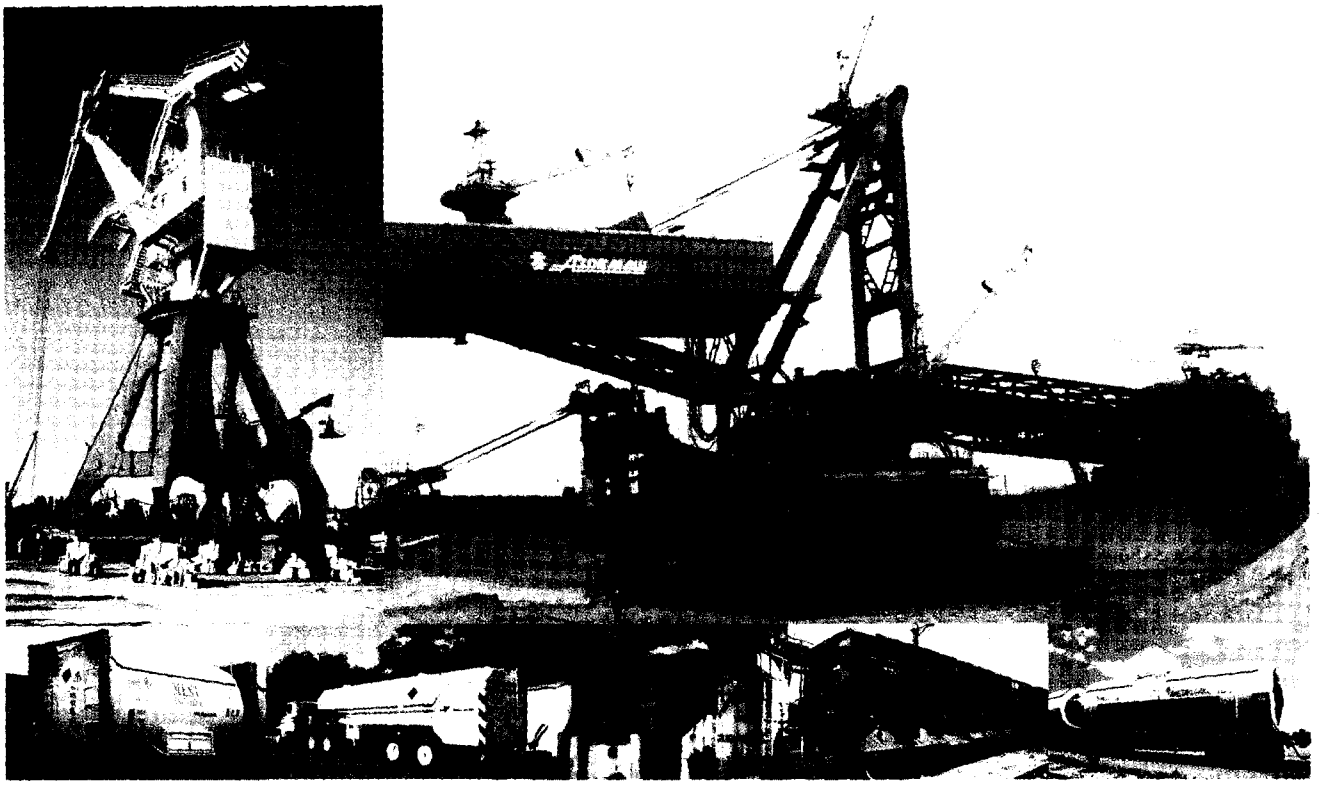

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Horizon Capital: Building the Economy

Private equity investment in Ukraine has had a tremendous effect on the country's economy, according to Ukraine's Deputy State Secretary, Boris Sobolev.

Long-term capital investment has allowed companies to move forward, Mr Sobolev explained, to expand their businesses and to introduce innovative ideas and technologies in the country.

His statements were echoed by the International Center for Policy Studies (ICPS), which conducted research in June this year into the economic impact of financial investment in the economy of Ukraine.

The study of 10 Western New Independent States Enterprise Fund (WNISEF) portfolio companies showed that for every dollar invested in the local economy of Ukraine and Moldova, an additional economic value of USD 9 is created.

One company expected to directly benefit from this economic boost is Horizon Capital, a private equity firm that focuses on investments in mid-cap companies with outstanding growth and profit potential in Ukraine and Moldova. Horizon Capital's team successfully manages investments on behalf of WNISEF and anticipates making new investments.

Horizon Capital's team's success is due to their firm belief in strategy development and identifying the most promising management teams in rapidly growing industries. They work closely with their partners and managers to develop and implement strategies, which ensure profitability and secure market leadership.

"As managers of Western NIS Enterprise Fund, we were initially funded by the US Congress via USAID with a USD 150 million grant. The Fund's mission is to invest in small and medium sized businesses, creating successful examples of foreign investment and attracting additional capital to this sector. Achieving this mission implies our role in building the economy by assisting in the creation of a middle class. These are the companies that create stable jobs and provide the greatest multiplier effect in the regional economy. We have an experienced investment team and we look to bring our operational, finance, consulting, governmental and strategic experience to each of the companies we work with in order to add not only capital, but even greater value to the businesses in which we invest," said Natalie Jaresko, Managing Partner of Horizon Capital.

Mrs. Natalie Jaresko, Managing Partner Horizon Capital

The company is also well positioned to seek a superior rate of return on investments in the region due to its successful track record, experience in the region, impeccable reputation, disciplined investment approach, and broad network of relationships.

"If you look at Ukraine's sustained economic growth, five years of double digit growth along with the concrete steps they are making to improve the business environment, I would say the private sector of Ukraine is ready for large scale private investment. If you look at the American companies that have already entered the Ukrainian market, they are content," she added.

Although change in business law has been slow in the Ukrainian judicial sector, Jaresko believes that the level of sophistication in business, especially in management, marketing and sales skills, has improved.

"The market here has really changed. The timing is right. Businesses are more competitively priced than in other countries and many have a high level of profitability. It's a great time to enter the market. The private sector of Ukraine is ready for large-scale private investment and they are really anxious to work with investors. We have ten years of experience and we have managed to build a strong reputation and we have created a successful portfolio. Yet there are so many more opportunities."

Established in 1995, WNISEF has invested in small and medium sized companies in Ukraine and Moldova.

"Come and visit Ukraine, if you want to invest in Ukraine. I recommend that you look at middle market companies and the best way to do this is via private equity funds," Jaresko concluded.

Credo-Classic's progressive insurance market

Despite the presence of a major government insurance agency in the market place, Credo-Classic is currently enjoying a successful operating environment.

Established in 1994, Credo-Classic was among the first Ukrainian companies to have received a high rating on the national credit rating scale due to the company's financial stability.

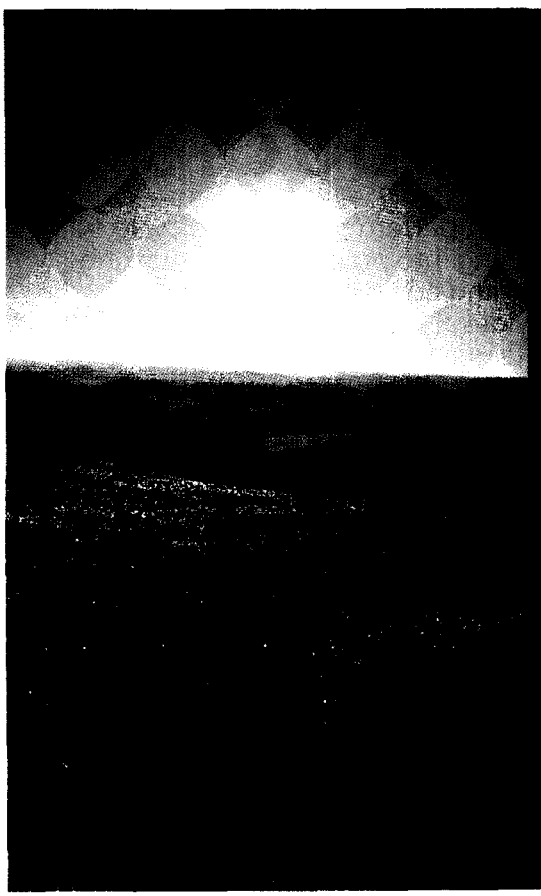
In September 2003, the company initiated the establishment of the Ukrainian Nuclear Insurance Pool and in December 2003, they accomplished the largest known insurance payment in the history of national insurance.

During the same year they strengthened their Credo-Classic's traditional insurance specialization in aviation insurance, expanded and developed their other insurance operations as well as other types of insurance business.

Mr Yuriy Yefimov, President Credo-Classic Insurance Company

Yuriy Yefimov, President of Credo-Classic said, "The Company is developing and moving towards world principles and standards. By working with such big risks, like aviation and nuclear and property risks, we have got very good experience with management principles and we are also incorporating and working with the international brokerage companies."

Geographically, Ukraine is located in the



It's Morning in Emerging Europe

New Opportunities in Private Equity

Horizon Capital is a new private equity firm led by a team of dedicated professionals with a 10 year history of successfully investing $98 million in Ukraine and Moldova.

Horizon Capital focuses on the tried and true principles of success – excellence, partnership, people-focus, professionalism and innovation – that our professionals have employed since 1995 to identify mid-cap investments with the greatest potential of growth and profit. We work hand in hand with partners to build future business leaders of the region.

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center of Europe and is easily accessible, a factor that has helped to boost the tourism sector. The growth in this sector is in turn driving development and construction. The risks associated with this development require the necessary cover from Ukraine insurance companies.

"Within the last three years there has been a lot of economic development, so now people are interested in getting car insurance, apartment insurance, property insurance, so we changed the structure of the company for these reasons. We are moving forward to international standards and expanding our services to retail service," explains Yefimov.

Consulting Company POCA believes development of the insurance market in Ukraine is uneven. The problems faced by insurance companies are caused by various factors.

So how has Credo-Classic been able to cope with the challenge of operating in this environment?

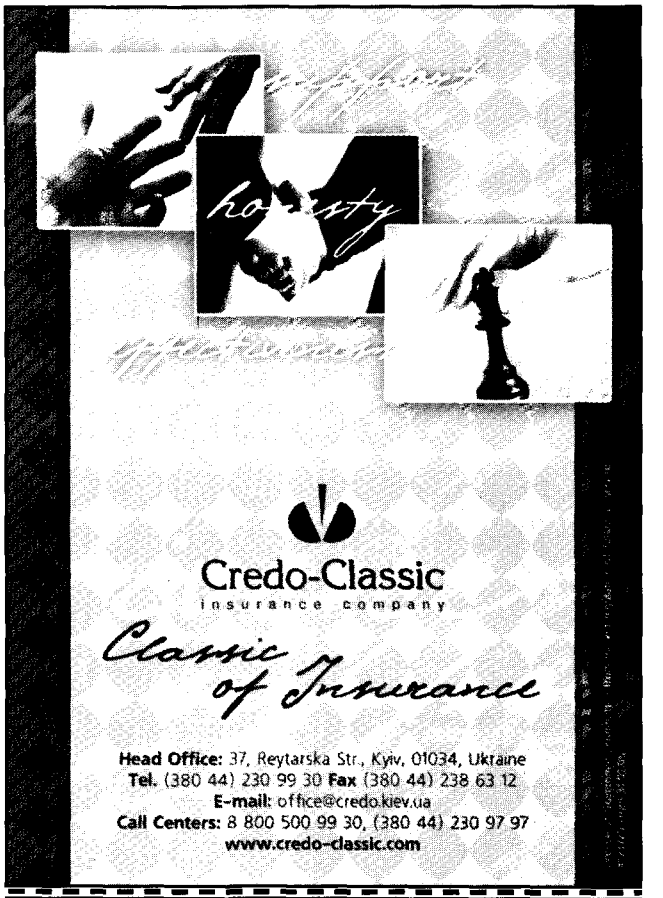
"The first thing is IT technology. It is impossible to maintain huge databases without IT technology. And the second thing I would like to mention is that we are also looking for foreign investment partners that would buy part of our shares because we feel it would contribute to the development of the company because it would move us towards world standards. Though we have experience working with international companies, we still lack their knowledge, technologies, management techniques and methods and the products they provide, so we've got a lot to learn.

"Also another very important thing is a brand name. Since the real insurance market here in Ukraine hasn't been around that long, because we had the state insurance company - which we can't even call a real insurance company based on world standards –for the people from Western companies that have been around for maybe 100 years, the importance to the Ukrainian customer will be confidence in the brand name," says Yefimov.

Credo-Classic's vision for the future is to develop a brand that will be recognized internationally and raise its international standards.

"I would say that this business is based on the experiences that people have. Also, there is the Institute of Reinsurance, because each country has its own insurance system and its own framework to do business," adds Yefimov.

Yefimov thinks there will be progress made in the Ukraine insurance sector because the sector will invent new products to suite clients. They will also take European and Western practices and apply them to the industry in the country.



Bahrain, the undiscovered Pearl

Bahrain, an archipelago of 33 islands in the Arabian Gulf, offers a blend of ancient and modern. The area has long been known for its natural pearls, considered to be among the finest in the world due to the influence of freshwater underground springs that permeate the oyster beds. Pearl diving offers tourists a unique experience and remains a drawcard for travellers.

But pearl diving is no longer the biggest sporting attraction in Bahrain - the country has joined the burgeoning global golf tourism industry with the brand new Riffa Golf Club, the country's first international 18 hole grass golf course.

The Riffa Golf Club offers all the facilities you would expect from a world class golf club: a stunning clubhouse, a fully-equipped conference room and of course first class player facilities. This remarkable oasis is a 6,817 yard, par 72 championship course.

With an investment of over USD 1 million, Riffa is also the only golf course in Bahrain to offer floodlit play; night play offers perfect visibility and an experience not to be missed.

A residential development is in the pipeline for Riffa, financed from a partnership deal worth USD 300 million from a joint venture between the First Islamic Investment Bank and the Bahrain International Golf Course Company (BIGCC). First Islamic Investment Bank's main lines of business are corporate investment, real estate investment, and asset-based investment. To date, First Islamic has completed corporate investments totalling in excess of USD 1.0 billion in acquisition value and has an equity capital base in excess of USD 300 million.

In developing the golf community, First Islamic will partner with East West Partners, a leading developer of award-winning themed residential communities in the US. First Islamic aims to transform the existing Riffa Golf Course in order to offer residents a comprehensive lifestyle experience.

First Islamic chief executive officer Atif A Abdulmalik voiced his excitement for this joint venture: "We are extremely proud to introduce this concept in Bahrain and shall partner with world class developers and operators to produce an exceptional community and a superior golf course."

For the golf tourist keen to play the course, the Mercure Grand Hotel in Seef offers comfortable and convenient accommodation. The hotel is close to the heart of Bahrain's financial and business centres, as well as Bahrain's biggest shopping malls. Mercure is an all-suite 'boutique' hotel that offers five star service and hospitality.

And when arriving in Bahrain, visitors will be greeted by the familiar logo of Europcar, the largest international car rental company of European origin. It is present in all major airports as well as in downtown locations. There is also the added reassurance that all Europcar vehicles are covered by a 24 hour recovery service.

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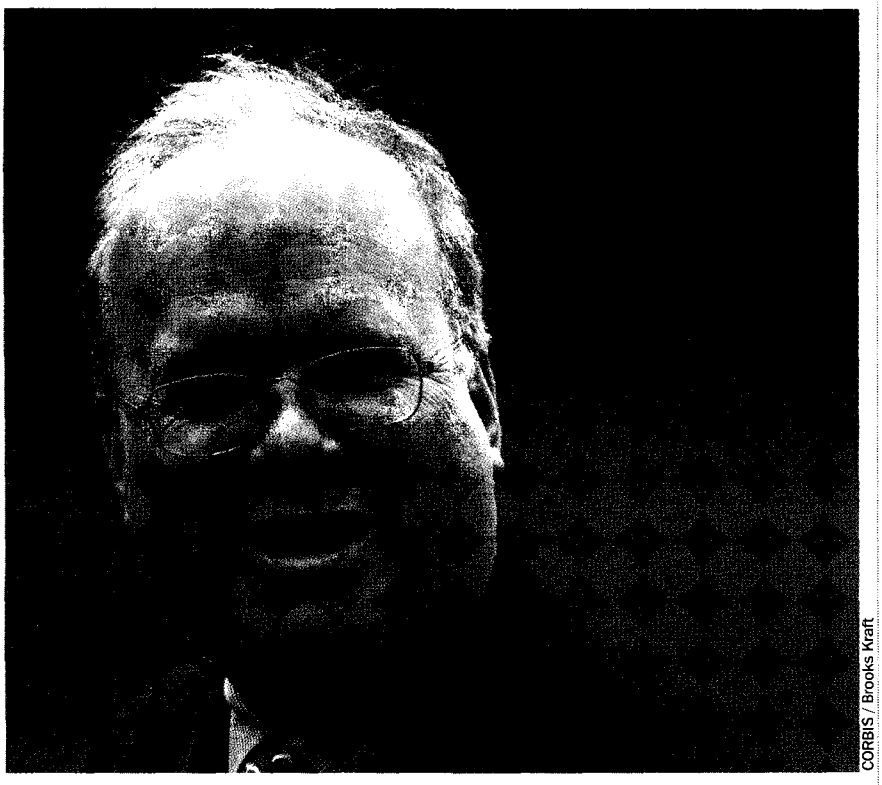
Why This Man Is Smiling

Karl Rove's survival is a boon for the Bush White House. BY FRED BARNES



CORBIS / Brooks Kraft

IN NOVEMBER 1986, the Iran-contra scandal broke. The White House announced that proceeds from the secret sale of arms to Iran had gone to the pro-democracy contras in Nicaragua to aid their fight against the Sandinista government. The presidency of Ronald Reagan had more than two years to run, but it was essentially over. Congressional investigations and criminal prosecutions dominated Washington. The following summer, the White House couldn't save Robert Bork, Reagan's Supreme Court nominee. Reagan became a caretaker president.

Fred Barnes is executive editor of THE WEEKLY STANDARD.

President Bush hasn't suffered such a dire fate. His presidency, with more than three years left, has a chance to recover, maybe even prosper. True, five counts of making false statements, perjury, and obstruction of justice against Scooter Libby, Vice President Cheney's chief of staff, is a serious problem. But if Libby is the only White House official to be indicted in the case of revealing the identity of an undercover CIA agent, the prospects for a Bush political revival will be all the better.

If Karl Rove, Bush's top adviser, had been indicted, that would have produced a crisis. Rove is the most important presidential adviser, the "glue," as a Republican senator said, that holds the White House together on politics and policy. He would have been forced to resign, leaving a huge vacuum on Bush's staff and hampering Bush's effort to recover.

Rove may yet be indicted, but that's unlikely. Special prosecutor Patrick Fitzgerald spent two years investigating the case, called Rove to testify four times before a grand jury, and still had doubts about prosecuting him. Fitzgerald, at his press conference last week, wouldn't discuss the subject. But to indict Rove, he would have to go to a new grand jury and outline the entire case, an arduous and improbable step. So Rove should be safe.

Also, no one in the White House was charged with actually disclosing the name of an undercover CIA agent. That would have given the case an overarching national security dimension. Fitzgerald said merely that the name of a CIA agent, undercover or not, is classified information and shouldn't be revealed. Fitzgerald said he specifically wasn't accusing anyone of outing a secret CIA agent.

Fearing the worst, the White House was relieved at the outcome of the Fitzgerald probe. And Bush, having passed through a gauntlet of troubles last week, emerged weakened but, unlike Reagan, politically alive. In Iraq, the number of deaths of American soldiers reached 2,000. Also, Harriet Miers, named by Bush to the Supreme Court, withdrew her nomination in the face of potentially embarrassing Senate confirmation hearings. And Libby—an honorable man and a patriot, in my view—was indicted.

Instead of "Fitzmas," the leftist nickname for the crippling of the White House through multiple indictments by special prosecutor Fitzgerald, Bush may have experienced the darkness before the dawn last week. Of course, that depends on what he does now.

Short of a Rove indictment, Bush won't be overshadowed by trials and hearings the way Reagan was. The Libby prosecution will draw media attention, but not the massive coverage a criminal case against Rove

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would. So the White House won't be too distracted.

To revive his presidency, Bush must be bold. Sure, this is a cliché. But with Bush, there's a tendency to get in trouble when he isn't bold. By making only feeble attempts to trim government spending, he angered conservatives and gave Democrats an issue. When he selected Miers, his aim was to avert a confirmation brawl in the Senate. He sought confirmation on the cheap with a little-known nominee. The result was a flawed nomination and a conservative revolt.

Recovery is dependent on Bush's success in reuniting his shattered base. It's a center-right coalition—mostly right. Without conservatives on board, Bush cannot govern effectively. Karlyn Bowman, the polling expert at the American Enterprise Institute, has compiled Bush's approval ratings by three-month periods using Gallup figures. Two years ago, 82 percent of conservatives approved. In the July-to-September quarter of this year, only 69 percent did. Support by Republicans shows a similar decline.

The first step of a Bush comeback is the nomination of a credentialed conservative to the Supreme Court vacancy left by the retirement of Sandra Day O'Connor. The Miers detour has left scars. No doubt Bush was furious at being abandoned by conservatives. With a new conservative nominee, however, Bush and conservatives will begin to be reconciled.

The president has an agenda that both he and conservatives agree on. It starts with spending cuts. In Bush's first term, he and Republican congressional leaders paid lip service to holding down spending, but did nothing. Now they are committed to producing real spending reductions.

There's another issue that unites most Republicans, conservative or not. That's tax cuts. Bush is expected to try this fall to make his prior tax cuts permanent, particularly those dropping the tax on capital gains and dividends to 15 percent. Meanwhile, Bush's tax reform commission wants to eliminate the alternative minimum tax.

Bush has plenty of political capital left. And there's lots of good news. The economy is humming along at a 3.8 percent growth rate. The spate of hurricanes barely dented the economy. In Iraq, progress on the political side has been dramatic. In a high-turnout election, Iraqis ratified a new constitution. On the military side, the insurgency, while hardly defeated, is declining as Iraqi troops are becoming battle-ready.

And Bush doesn't face the obstacles Reagan did in 1986. He is blessed with Republican majorities in the House and Senate. Reagan faced a Democratic Congress. Reagan was old, tired, and afflicted with both skin and colon cancer. Bush is relatively young and vigorous. When Reagan vetoed a highway spending bill, Republicans joined Democrats in overriding his veto. Bush's political condition is hardly that pathetic. Still, it's bad enough to say there's nowhere to go but up. ♦

A Victimless Crime

BY ABC NEWS, ASSOCIATED PRESS, CBS NEWS, CNN, THE KNIGHT-RIDDER AND TRIBUNE NEWSPAPER CHAINS, NBC NEWS, NEWSWEEK, USA TODAY, AND THE WASHINGTON POST

EDITOR'S NOTE: Seven months ago, on March 23, the above-named news organizations, along with more than two dozen other companies and membership organizations collectively representing pretty much everyone in American journalism, filed a formal motion concerning the Valerie Plame leak investigation with the federal appeals court in Washington. Special Counsel Patrick Fitzgerald was then attempting to compel grand jury testimony in the case by reporters Matthew Cooper and Judith Miller. And pretty much everyone in American journalism—as the media's *amici curiae* filing, excerpted below, made clear—thought Fitzgerald's subpoenas to Cooper and Miller should be quashed. But does anybody in American journalism remember *why*?

***

IN THIS CASE, there exists ample evidence in the public record to cast serious doubt as to whether a crime has even been committed under the Intelligence Identities Protection Act (the "Act") in the investigation underlying the attempts to secure testimony from Miller and Cooper. If in fact no crime under the Act has been committed, then any need to compel Miller and Cooper to reveal their confidential sources should evaporate. . . .

The explanation by a White House official to Robert Novak that Joseph Wilson had been sent by the CIA to Niger because his wife, Valerie Plame, worked for the CIA represents a single fact in what has been an enduring and crucial news story for the past two years—i.e., did the Bush Administration invade Iraq with a reasonable, if mistaken, belief that the Saddam Hussein regime possessed weapons of mass destruction? . . .

The information given to Novak must be seen in light of this broader canvas, which also calls into question the conduct of the CIA and the intelligence community, and whether the government was taking the necessary steps to keep the name of a covert

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employee secret. It is in this context that a statute criminalizing the purposeful disclosure of the identity of a "covert agent"—which has been used only once in its 22-year history—is being invoked. But the circumstances necessary to prove that crime seem not to be present here. . . .

At the threshold, an agent whose identity has been revealed must truly be "covert" for there to be a violation of the Act. To the average observer, much less to the professional intelligence operative, Plame was not given the "deep cover" required of a covert agent. . . . She worked at a desk job at CIA headquarters, where she could be seen traveling to and from, and active at, Langley. She had been residing in Washington—not stationed abroad—for a number of years. As discussed below, the CIA failed to take even its usual steps to prevent publication of her name.

Moreover, the government may have "publicly acknowledged or revealed" her intelligence relationship prior to publication of Novak's July 14, 2003 column. . . . An article in *The Washington Times* indicated that Plame's identity was compromised twice prior to Novak's publication. If this information is accurate . . . there is an absolute defense to prosecution. . . .

There are sufficient facts on the public record that cast considerable doubt as to whether the CIA took the necessary "affirmative measures" to conceal Plame's identity. Indeed, these facts establish such sloppy tradecraft that, at minimum, the CIA was indifferent to the compromise of her identity.

The following facts are public:

• The CIA sent a non-CIA employee, Joseph C. Wilson IV, on a mission to Niger to determine whether Saddam Hussein had tried to purchase "uranium yellow cake," an ingredient for making a non-conventional weapon.

• Wilson had not served in Niger for over two decades, and, unlike his supposedly undercover wife, was not an expert in nuclear weapons.

• Wilson was not required to sign a confidentiality agreement about his mission.

• Wilson was not prevented by the CIA from writing his Op-Ed for *The New York Times*, an article that not only criticized the Administration, but also detailed his mission and findings.

• When columnist Novak contacted the CIA to verify that Plame worked for the agency, he says that the Agency not only verified her employment but also failed to give him a serious request not to publish her name.

• The CIA's usual procedure when it is concerned that publishing a fact would endanger a covert agent is to have a high ranking official, usually the Director, contact the journalist and ask that information not be published.

• The CIA did not prohibit Plame from making political contributions under the name "Wilson, Valerie E.," facts that are publicly available at the FEC.

Novak's column can be viewed as critical of CIA ineptitude: the Agency's response to a request by the State Department and the Vice President's office to verify whether a specific foreign intelligence report was accurate was to have "low level" bureaucrats make the decision to send a non-CIA employee (neither an expert on Niger nor on weapons of mass destruction) on this crucial mission at his wife's suggestion. Did no one at Langley think that Plame's identity might be compromised if her spouse writes a nationally distributed Op-Ed piece discussing a foreign mission about a volatile political issue that focused on *her* subject matter expertise?

The public record provides ample evidence that the CIA was at least cavalier about, if not complicit in, the publishing of Plame's name. Moreover, given Novak's suggestion of CIA incompetence plus the resulting public uproar over Plame's identity being revealed, the CIA had every incentive to dissemble by claiming it was "shocked, shocked" that leaking was going on, and thus made a routine request to the Justice Department to investigate. . . .

While there is no suggestion that the Special Counsel is proceeding in bad faith, there should be abundant concern that the CIA may have initiated this investigation out of embarrassment over revelations of its own shortcomings. ♦

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Not So Gorgeous

Antiwar demagogue George Galloway gets his comeuppance. BY DUNCAN CURRIE

IF CHUTZPAH were a tradable currency, chances are George Galloway could buy out Microsoft. Last week the renegade British member of parliament, always full of bluster, responded to allegations that he lied under oath before a U.S. Senate panel about his financial dealings with Saddam Hussein's Iraq by demanding—no—"*begging* for prosecution." Showing the pugilistic bravado that's made him a hero to the antiwar movement, Galloway, 51, challenged Sen. Norm Coleman—"this lickspittle," in the Scotsman's locution—to "put up or shut up." He also got cheeky. "I'll head for Heathrow now," Galloway said, "pausing only to pick up my toothbrush, if they will promise to charge me with perjury." For Galloway, this is personal. He's even flirting with the option of booking a venue in Coleman's home state of Minnesota and pestering the senator to debate him. "We want to take the fight to the enemy," he crowed.

Coleman, who's led a Senate probe of Galloway's ties to the United Nations Oil-for-Food scandal, can only laugh at the MP's swagger. "Debate me about *what*?" he asks. "The bank records? Debate the bank!"

According to Coleman, GOP chairman of the Senate's Permanent Subcommittee on Investigations, "The bank records are the smoking gun." These records—from Citibank, Lloyd's TSB Bank, Co-operative Bank, Arab Bank, and others—along with testimony from Tariq Aziz, Iraq's former deputy premier, official Saddam-era documents, and the depositions of two key oil traders indicate that Galloway sought and took bribes from Baghdad to fund the Mariam Appeal, his anti-sanctions project, and then offered spurious testimony to the Senate on May 17, 2005.

In its 47-page report on the Galloway matter issued last Tuesday, the subcommittee made five principal claims.

(1) "Galloway personally solicited and was granted oil allocations from the Government of Iraq during the reign of Saddam Hussein. The Hussein regime granted Galloway and the Mariam Appeal eight allocations totaling 23 million barrels from 1999 through 2003."

(2) "Galloway's wife, Dr. Amineh Abu-Zayyad, received approximately $150,000 in connection with one of those oil allocations."

(3) "Galloway's political campaign, the Mariam Appeal, received at least $446,000 in connection with the oil allocations granted to Galloway and the Mariam Appeal under the Oil-for-Food Program."

(4) "The Hussein regime received improper 'surcharge' payments amounting to $1,642,000.65 in connection with the oil allocations granted to Galloway and the Mariam Appeal."

(5) "Galloway knowingly made false or misleading statements under oath before the Subcommittee at its hearings on May 17, 2005."

If you're unfamiliar with Galloway's MO, picture a mustachioed, middle-aged demagogue spewing wild conspiracy theories about George Bush, Tony Blair, the neocons, the Zionists, et al., in a thick Scottish brogue. He combines Howard Dean's bombast and Michael Moore's buffoonish anti-Americanism with Fidel Castro's taste for cigars and John Gotti's weakness for posh suits.

The Dundee-born Galloway has served in parliament nearly without interruption since 1987. "Gorgeous George," who boasts an unimpeachably leftist CV, fiercely opposed the first Gulf war, and later became a full-throated critic of the U.N. sanctions regime. In January 1994, he paid a visit to the dictator in Baghdad and gushed, on Iraqi state television, "I salute your courage, your strength, your indefatigability. And I want you to know that we are with you"—adding, in Arabic, "until victory, until victory, until Jerusalem." He also flattered Iraq's "excellency" with the news "that even today, three years after the war," there were still Palestinian families "who [named] their newborn sons Saddam."

This round of bootlicking earned Galloway a "severe reprimand" from his colleagues in the Labour party. But his pro-Saddam sycophancy continued throughout the 1990s. Galloway also founded the Mariam Appeal, a dual-purpose organization designed to campaign against U.N. sanctions and raise money for a four-year-old Iraqi girl, Mariam Hamza, afflicted with leukemia. After rallying Labour resistance to the second Gulf war, Galloway finally got cashiered from the party in October 2003—for, among other things, urging Arabs to defend Iraq and calling on U.K. troops to refuse orders. But in May 2005, now wearing the colors of his self-created Respect party, he was elected to a new seat representing East London's Muslim-heavy Bethnal Green & Bow district.

That same month, Galloway strutted into Washington like a peacock. Not only had he secured "one of the most remarkable results in modern British electoral history," as the BBC hailed it. He had also, in December 2004, won some $280,000 in libel damages from London's *Daily Telegraph*, which had reported in April 2003, on the basis of documents found amidst the rubble of Iraq's foreign ministry, that Galloway had received over $600,000 through Oil-for-Food mischief. (Crucially, Galloway's lawyers never questioned the documents' authenticity. Rather, Judge David Eady held that because Galloway was not given a proper chance to read the documents or comment on them

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before they were published, the *Telegraph* had defamed him.)

With the wind at his back, Galloway ridiculed his Senate inquisitors, especially Sen. Coleman. "I have never seen a barrel of oil, owned one, bought one, sold one, and neither has anybody on my behalf," he insisted, reprising a shopworn talking point. Galloway's critique of the Bush-Blair rationale for war ("a pack of lies") won him plaudits from the international media—plus a fawning profile in the *New York Times*. It was Springtime for Galloway.

But now things look rather different. Last week, just two days after the subcommittee report came out, Paul Volcker's U.N.-sponsored Independent Inquiry Committee issued its final appraisal of Oil-for-Food. The Volcker team corroborated Sen. Coleman's findings, and uncovered an extra $120,000 that Galloway's wife had pocketed from illicit Oil-for-Food schemes. Both reports detail how Abu-Zayyad profited from Iraqi oil transactions with the aid of Galloway's close chum, Jordanian businessman Fawaz Zureikat. (True, Galloway and Abu-Zayyad are now estranged. But they lived together at the time these deals occurred.)

Galloway's explanation beggars belief. "I am not responsible for my wife," he told a British radio station. "I am not party to Mr. Zureikat's business arrangements. I am completely bemused." The stocky Scotsman claimed he "did not know [Abu-Zayyad] had received money from Mr. Zureikat, if she indeed had."

Parliament, however, now has reasonable grounds to expel Galloway for violating its disclosure rules. Meanwhile, back in the States, Sen. Coleman says he will refer all Galloway-relevant subcommittee documents to officials at the Justice Department, who could easily seek to indict the antiwar paladin for perjury and/or obstruction of a Senate investigation.

Gorgeous George reputedly loves the rough-and-tumble of political theater. He'd better enjoy it while he can. His curtain call may be fast approaching. ♦

Ay, Caramba!

Spanish judges claim global jurisdiction.

BY PABLO PARDO

VISITING the Spanish High Court in Madrid, it is hard to escape the feeling that one has accidentally wandered into a neighborhood police station, instead of a national judicial body that makes headlines all over the world. From the outside, the High Court is an office building like any other in downtown Madrid. Inside, an atmosphere of bureaucratic drowsiness, even neglect, prevails. There are dusty pieces of junk—old printing machines and computer keyboards and lamps—piled on top of filing cabinets. The floor is littered with cardboard boxes full of documents. Handcuffed detainees wait patiently in the corridors to be ordered into offices where judges and attorneys will interrogate them, while civil servants and policemen putter about attending to administrative duties.

But this impression is misleading. No sleepy outpost, the activist High Court of Spain has arrested, indicted, or investigated, among others, former Chilean dictator General Augusto Pinochet, the members of the military junta that ruled Argentina from 1976 to 1983, ex-dictator of Guatemala Fernando Romeo, Italian premier Silvio Berlusconi, former U.S. secretary of state Henry Kissinger, and Osama bin Laden. As the court's indisputable star, Judge Baltasar Garzón—who ordered most of the aforementioned proceedings—once told me, "We are building the Principle of Universal Justice."

This is, to say the least, an exalted ambition. But in the final analysis, it is unclear whether the actions of the Spanish High Court are really about Universal Justice or just politics and self-promotion.

On October 19, the court took its pioneering project to a new level. That day, one of its investigative magistrates, Judge Santiago Pedraz, issued a warrant ordering the "capture and arrest" of three American soldiers—Sergeant Thomas Gibson, Captain Philip Wolford, and Lieutenant Colonel Philip De Camp—for a "crime against the international community" and a "murder" they had allegedly committed in Baghdad in April 2003, one day before the fall of Saddam Hussein, when an American tank fired on the Palestine Hotel. The Americans had not been attacked from the hotel, which was packed with journalists. Among the dead was Spanish cameraman José Couso.

The warrant was big news. In Spain, where opposition to the war in Iraq is almost universal, Pedraz's decision was well received. The warrants, however, are weak from every point of view. The Pentagon undertook an internal investigation that concluded that there had been no misconduct by the American soldiers. Even Spanish journalists embedded with the U.S. troops—although not present in the area when the bombing took place—have insisted that, under the pressure of combat, the attack on the hotel was understandable, and in any case the soldiers could have been accused at most of negligence, not of murder.

More significant, the day after Judge Pedraz produced the warrant, Pedro Rubira, the prosecutor, accused the judge of an "act of reprisal" against the United States and of using an "irregular procedure" in an area in which he has "no jurisdiction." The prosecutor's doubts were based partly on the fact that the petition against the U.S. soldiers has not yet been for-

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mally accepted by the High Court.

It is astonishing that a judge would order the arrest of foreign citizens who had not been formally indicted, in a judicial investigation that had not been authorized. However, this is the way certain magistrates of the High Court work. For them, it is as if the guiding concern were the impact of their decisions on politics and public opinion. The legal basis for their actions is secondary.

Because the American action in Iraq is so unpopular, accusing three GIs of murder is unproblematic. Meanwhile, neither Garzón nor anyone else in Spain has ever investigated the murder of the journalist Julio Fuentes, brutally assassinated in Taliban-ruled Afghanistan in 2001 (one person has been sentenced to death in Kabul for that crime, but the investigation was carried out by the Afghan authorities with Italian support, since an Italian reporter, Maria Grazia Cutuli, was murdered along with Fuentes). Equally, the death of Spanish journalist Julio A. Parrado, killed in the outskirts of Baghdad by an Iraqi missile the day before Couso, has not been probed.

Attacking the "right" target is nothing new for Spanish judges. Garzón, who has been nominated for the Nobel Peace Prize and is currently on leave from the court working as a visiting scholar at New York University, has directed his actions in the international arena exclusively against violations of human rights committed by right-wing governments, such as Pinochet or the Argentinean junta. Although nobody can deny that those countries witnessed tremendous violations of human rights, it is no less true that Garzón has openly expressed points of view that undermine his credibility in his investigations.

He has not hidden that his indictment of bin Laden was partly intended to show up what he considers the Bush administration's extra-legal strategy in relation to the prisoners at Guantanamo. By opening a new legal front against bin Laden, Garzón hoped to force the United States to deal with an eventual request for extradition from Spain should the Americans arrest bin Laden. As Garzón told me, "Avoiding an unfair trial of bin Laden is not in itself the reason for the indictment. But it is an unavoidable consequence of it." He has very clear views on the U.S. legal strategy in the war on terror, which he considers "so abhorrent, so similar to what happens in the most recalcitrant dictatorship, that I don't understand how there is not a generalized protest by the U.S. citizens." These grandiloquent words in defense of prisoners do not apply, apparently, to the detainees on the other side of the fence at Guantanamo Bay. When a group of Cuban exiles presented a case against Fidel Castro in the High Court in 1998—around the time Pinochet was arrested—it was rejected on the grounds that in Cuba there is no torture, only "degrading treatment" of political prisoners.

AFP / Getty Images / Pedro Armestre

Spanish High Court Judge Santiago Pedraz

Selective justice—romanticized by liberal billionaire George Soros as "guerrilla action"—is not unique to Spain. In Belgium, Judge Damien Vandermeersch investigated Israeli prime minister Ariel Sharon for the massacre by Christian Lebanese militias of Palestinian refugees in 1982. He also accepted a case against General Tommy Franks in the spring of 2003. Louis Michel, Belgian minister of foreign affairs, called the case against Franks "an abuse of law," and later that year Brussels, under U.S. pressure, repealed the statute that had permitted such investigations without anyone being indicted. That lack of results in these proceedings is actually par for the course. Most of the Spanish High Court's actions have had limited effect, although in Chile and Argentina they did open the door to prosecution of former high officials for human rights violations in their own countries. As for the October 19 indictments, it is obvious that U.S. authorities will not surrender any GI for trial.

The Spanish High Court is a constant source of ironies. For instance, in the fall of 1998, one week after Garzón had had Pinochet arrested in London, I ran into Markus Wolf, the former foreign-intelligence chief of the then-defunct East German secret police, the Stasi, at a party in Madrid. He seemed bored—as any Stalinist bureaucrat would be in a gathering of European artists—and we began to talk politics. "Of course, we lost the Cold War," Wolf told me, "and Pinochet was with the winners." Yet Wolf was free and Pinochet was in detention. For some reason the Chilean, but not the East German, had lost in the court of Spanish public opinion, and was therefore in serious jeopardy at the hands of Spanish justice. Now, the Pentagon has discovered that U.S. soldiers can be threatened with the same fate. ♦

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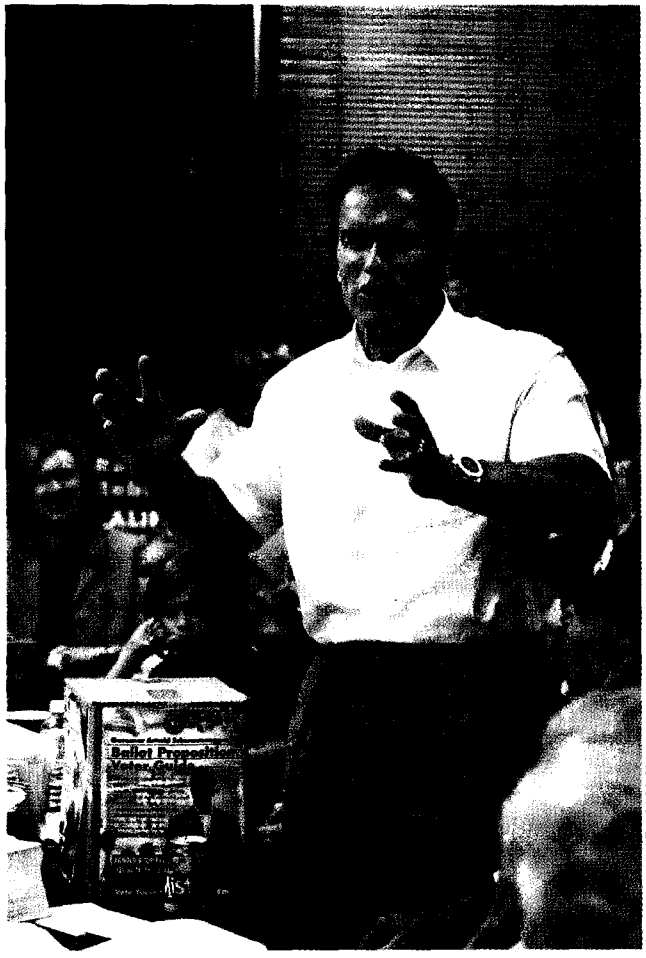
Propositioned by Arnold

The Governator puts his political reputation on the ballot. BY BILL WHALEN

DON'T LOOK NOW, but the political winds may be shifting—back in California's favor. For years the Golden State was said to be the nation's political vanguard, but in the last decade or so it has been anything but cutting-edge. California hasn't been in play in a presidential contest since 1988. State issues that spawned heated initiative battles during the 1990s—illegal immigration and affirmative action—failed to become national causes. Even the historic recall election of October 2003 was dismissed as an only-in-California affair, as no other state was likely to replace its governor with an action-movie hero.

So why is California hot stuff again? Credit Governor Arnold Schwarzenegger and his state's November 8 special election.

For the 13th time in California history, a statewide election is featuring initiatives but no candidates. Campaign spending has been furious, and will probably exceed $300 million, by Arnold and his opponents, by the time it's over. Turnout is unpredictable, so the polls are even less reliable than usual. All said, the special election is a formula for big surprises and results that could further enhance Schwarzenegger's mystique.



Getty Images / David McNew

Schwarzenegger with volunteers in Orange County, October 14

In his January State of the State address, Schwarzenegger called on the state legislature to pass reforms concerning redistricting, state spending, public employee pensions, and education. When Democrats balked, Schwarzenegger made good on his threat to call a special election. Picking and choosing his agenda, he added four measures to those initiatives that had already qualified for the ballot. The resulting ballot contains eight measures, Propositions 73 through 80. The heart of the ticket—74 through 77—just happens to be Schwarzenegger's reform slate.

If Arnold gets his way, California's political landscape will change dramatically, first by a reduction in the clout of unions. Proposition 75 would bar government employee unions from spending members' dues on political campaigns without their consent. After similar measures were approved in Utah and Washington state, only 15 percent of education union members contributed to education state PACs. That would spell disaster for the left in California. In 2003 and 2004, when only 43 percent of the electorate was registered Democrat, the California Teachers Association raised nearly $16 million and spent 89 percent of it on Democratic candidates. How will the unions get even? Look for an initiative next June requiring California corporations to get shareholders' permission before making political donations.

Proposition 76 caps spending by limiting new expenditures to the past three years' average, and it gives Schwarzenegger leeway to cut entitlement programs in down times. Because of structural deficits, the cap may not kick in until 2013. However, the thought of mid-year rescissions would dangle over legislative Democrats like the sword from *Conan the Barbarian* hanging in the governor's office. And it might help jumpstart a budget process that limps along for nearly seven months every year.

Both parties are less certain about the lasting effects of Proposition 77, which would strip the legislature of

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its gerrymandering power. To discourage support, opponents have been floating conspiracy theories, casting it as part of a Republican plot to rob Democrats in Sacramento or even a Democratic plot to take over the House of Representatives. Last fall in California, none of the 153 contested legislative and congressional seats changed party. If enacted, Prop. 77 will make for a more competitive climate: An estimated 10 House seats, plus another 15 state Senate and Assembly seats, would be in play.

So how does all of this pertain to national politics?

Abortion. Proposition 73 would have California join the dozen or so states that have adopted a parental notification requirement for minors seeking an abortion. So, it's not exactly innovative. And "notification" laws tend to be pretty mild, unlike parental consent laws, which are on the books in about 20 states. Still, this referendum comes while the U.S. Supreme Court is weighing the constitutionality of New Hampshire's notification law. Prop. 73's opponents claim it's a first attempt to undermine *Roe* v. *Wade* in California. Prop. 73's backers say its support (it's even or ahead in most polls) shows momentum on the pro-life side. The battle pits the California Catholic Conference of Bishops against Planned Parenthood of California. The wild card is Schwarzenegger, who is pro-choice but favors Prop. 73. He's told reporters: "I wouldn't want to have someone take my daughter to a hospital for an abortion or something and not tell me. I would kill him if they do that."

Education. Proposition 74 would extend the period before a California teacher gains tenure from a mere two years to five years. The California Teachers Association is rallying to kill it, but the union has already blown through $50 million this summer filling TV airwaves with anti-Arnold ads. So, the CTA raised its members' dues to come up with another $60 million and has been negotiating a $40 million line of credit (in addition to an outstanding $20 million credit line). If Prop. 74 passes, look for other states to express their frustration with the slow pace of education reform.

Union Clout. Organized labor will have spent well over $100 million in the special election by the time it's over, with the unions' top priority being the defeat of Prop. 75. Nationally, Big Labor has fallen on hard times: internal rifts, losses in the last two presidential elections, fewer water-carriers in Congress. If Prop. 75 passes, it will be another major loss for the unions, seriously undermining their political influence in the country's most populous state. On the other hand, handing Schwarzenegger a defeat would lend the unions a big psychological boost heading into next year's congressional midterm election.

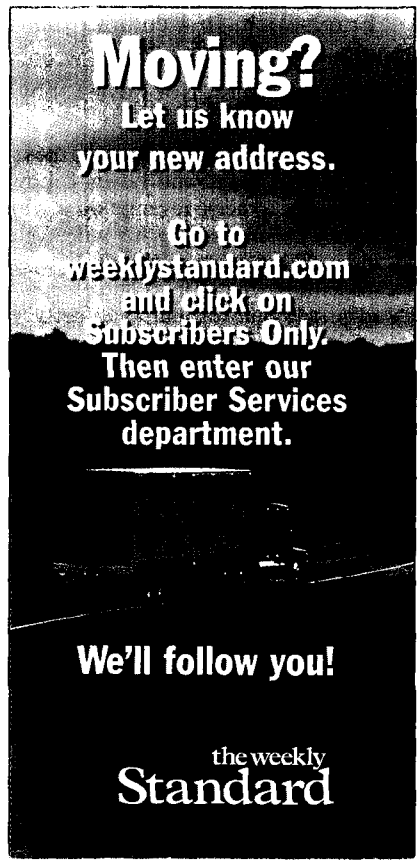
Fiscal Conservatism. Proposition 76's success may hinge on this question: After a decade of profligate spending both in Washington and state capitals, do voters still care about budget restraint? If Prop. 76 passes, despite a fierce attack from the teachers' union and other public-employee fronts, anti-pork reform could end up as a popular entrant in next year's congressional races.

Incumbency. It's no surprise that both incumbent Republicans and Democrats oppose the anti-gerrymandering Proposition 77. The "no" side, led by House Minority Leader Nancy Pelosi, has tried to link the ballot measure to former House Majority leader Tom DeLay and the Texas redistricting controversy. If Prop. 77 passes, it will suggest that the DeLay controversy is a non-starter, even in a Texas-loathing, deep-blue state like California.

Prescription Drugs. Overshadowed by the Arnold-union shootout is an $80 million campaign by pharmaceutical firms to kill Proposition 79, which would create a state-run drug discount program for low-income adults and children. The "no" message is simple: Don't put bureaucrats in charge of medical decisions. If Prop. 79 suffers a resounding defeat, that will bode poorly for Hillary Clinton in 2008.

In the last two California elections without statewide candidates on the ballot—1979 and 1993—turnout was no higher than 37 percent of registered voters (turnout for the recall election was 61 percent). Some strategists see a turnout as low as 35 percent, or about 5.5 million votes. That's good news for Schwarzenegger, as Republicans in California historically turn out at higher levels than Democrats. And it creates this dilemma for the unions: how to run a negative campaign that turns out the union vote, but doesn't turn off a disenchanted electorate (according to one statewide survey, 73 percent of Democrats and 56 percent of independents are anti-election).

For the second time in two years, Schwarzenegger seeks to reverse California's political law of gravity—turning unpopular initiatives into winners. Going back to November 2002, it's the fifth time he's played a featured role on the California ballot. In a land not averse to sequels, the November special election tests whether the governor still has that box-office magic. ♦



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A Spooked White House

The damage that has already been done by the CIA leak investigation

By Stephen F. Hayes

After a 22-month investigation into the compromising of CIA operative Valerie Plame, special prosecutor Patrick Fitzgerald handed down a five-count indictment of Vice President Dick Cheney's chief of staff, I. Lewis "Scooter" Libby.

Even before that lengthy investigation reached its conclusion, critics of the Bush administration had begun to articulate the new conventional wisdom on its outcome: *The Bush administration lied about Iraq before the invasion and has been lying ever since.*

Frank Rich, in a column that ran on October 16, 2005, in the *New York Times,* wrote under the headline, "It's Bush-Cheney, Not Rove-Libby."

> Now, as always, what matters most in this case is not whether Mr. Rove and Lewis Libby engaged in a petty conspiracy to seek revenge on a whistle-blower, Joseph Wilson, by unmasking his wife, Valerie, a covert C.I.A. officer. What makes Patrick Fitzgerald's investigation compelling, whatever its outcome, is its illumination of a conspiracy that was not at all petty: the one that took us on false premises into a reckless and wasteful war in Iraq. That conspiracy was instigated by Mr. Rove's boss, George W. Bush, and Mr. Libby's boss, Dick Cheney.

The *Nation*'s Katrina vanden Heuvel made a similar argument in an appearance on *Hardball* with Chris Matthews last week. In response to a question about the Fitzgerald investigation, she said: "These are serious matters of national security, of misleading the country into the gravest crime one could commit, an unnecessary war."

These efforts to frame the investigation so as to inflict maximum damage on the White House appear to be working. By last Friday morning, David Gergen, who often serves as chief spokesman for the conventional wisdom, was calling the upcoming court battle the "trial of the war in Iraq." This, he says, will "keep the administration on the defensive" for months and will make it very difficult to govern. Congressional Democrats used the occasion to call for hearings into the alleged misuse of intelligence.

In the literal sense, attempts to link the case for war in Iraq to the Fitzgerald investigation are illogical. If a White House official lied to a grand jury in 2004, as Fitzgerald contends, that fact has little bearing on the case made for war in Iraq in 2002.

Fitzgerald was asked directly about the connection between the indictment and the Iraq war during his press conference Friday.

> Question: A lot of Americans, people who are opposed to the war, critics of the administration, have looked to your investigation with hope in some ways and might see this indictment as a vindication of their argument that the administration took the country to war on false premises.
> Does this indictment do that?
>
> Fitzgerald: This indictment is not about the war. This indictment's not about the propriety of the war. And people who believe fervently in the war effort, people who oppose it, people who have mixed feelings about it should not look to this indictment for any resolution of how they feel or any vindication of how they feel.
>
> This is simply an indictment that says, in a national security investigation about the compromise of a CIA officer's identity that may have taken place in the context of a very heated debate over the war, whether some person—a person, Mr. Libby—lied or not.
>
> The indictment will not seek to prove that the war was justified or unjustified. This is stripped of that debate, and this is focused on a narrow transaction.
>
> And I think anyone who's concerned about the war and has feelings for or against shouldn't look to this criminal process for any answers or resolution of that.

Fitzgerald is, of course, right. And in any case the

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attempt to link the two issues seems counterproductive. Where they do overlap—Joseph Wilson's claim that he had "debunked" Bush administration assertions about an Iraqi attempt to buy uranium from Niger—they point to an embarrassment for the war critics and reporters who invested so much in his self-aggrandizing fantasies: Wilson lied.

It may seem strange that war opponents would seek to relitigate the case for war in Iraq on such a flimsy foundation as these now-discredited claims. But the antiwar agitators are not nearly as dumb as their slogans make them sound. They appear to understand that a scandal-hungry news media, the ongoing difficulties in Iraq, and a weary American public provide an environment hospitable to even their most outrageous claims.

And in one very important sense, the critics are right to assert a connection between the case for war in Iraq and the Fitzgerald inquiry. It is this: For the better part of two years, as the case grew from a routine Justice Department inquiry to an independent investigation conducted by a no-nonsense special prosecutor, the Bush administration gradually ceded the debate over the Iraq war to its harshest critics. These two developments are not coincidental.

The investigations have already had a dramatic effect on the Bush White House and its defense of the war in Iraq.

As the summer of 2003 began, Mobile Exploitation Team Alpha (MET Alpha), the task force assigned to find stockpiles of weapons of mass destruction in Iraq, was having little success. Back in Washington, skepticism about finding such stockpiles grew and finger- pointing began.

Even before the war, the CIA began leaking stories that raised the prospect that the intelligence about Iraq's WMD programs was less certain than Bush administration policymakers were making it sound. The stories puzzled and annoyed these policymakers since the finished intelligence products—such as the October 2002 *National Intelligence Estimate*—had included strongly worded conclusions about the threat from Iraqi WMD. Many White House officials suspected that the leaks were condoned by Agency leadership and designed as a preemptive "CIA-CYA"—a contingency plan to shift the blame from the Agency in the event some of the intelligence was bad. These suspicions grew when Joseph Wilson began telling his story, first anonymously, then as a would-be whistle-blower. As some Bush administration officials quietly tried to correct Wilson's misrepresentations, others contemplated a bold move that would undercut the leaks from the Agency.

Ironically, this strategy was revealed in a little-noticed passage in what has become one of the most discussed newspaper columns in recent memory. At the end of his July 14, 2003, column that identified Valerie Plame as a CIA operative, Robert Novak wrote that understanding the claims and counterclaims about Wilson's mission "requires scrutinizing the CIA summary of what their envoy reported." Novak reported: "The Agency never before has declassified that kind of information, but the White House would like it to do just that now—in its and in the public's interest."

Within days, the CIA had declassified significant portions of the October 2002 National Intelligence Estimate on Iraq. That document reflected the consensus view of the 15 intelligence agencies that make up the U.S. intelligence community.

> We judge that Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Baghdad has chemical and biological weapons as well as missiles with ranges in excess of UN restrictions; if left unchecked, it probably will have a nuclear weapon during this decade. (See INR alternative view at the end of these Key Judgments.)
>
> We judge that we are seeing only a portion of Iraq's WMD efforts, owing to Baghdad's vigorous denial and deception efforts. Revelations after the Gulf war starkly demonstrate the extensive efforts undertaken by Iraq to deny information.
>
> We lack specific information on many key aspects of Iraq's WMD programs. Since inspections ended in 1998, Iraq has maintained its chemical weapons effort, energized its missile program, and invested more heavily in biological weapons; in the view of most agencies, Baghdad is reconstituting its nuclear weapons program.
>
> Iraq's growing ability to sell oil illicitly increases Baghdad's capabilities to finance WMD programs; annual earnings in cash and goods have more than quadrupled, from $580 million in 1998 to about $3 billion this year. Iraq has largely rebuilt missile and biological weapons facilities damaged during Operation Desert Fox and has expanded its chemical and biological infrastructure under the cover of civilian production.

And later, a discussion of Iraq's nuclear capabilities:

> Although we assess that Saddam does not yet have nuclear weapons or sufficient material to make any, he remains intent on acquiring them. Most agencies assess that Baghdad started reconstituting its nuclear program about the time that UNSCOM inspectors departed—December 1998.

The NIE specifically addressed claims of Iraq seeking uranium from Africa:

> A foreign government service reported that as of early 2001, Niger planned to send several tons of "pure uranium" (probably yellowcake) to Iraq. As of early 2001,

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Niger and Iraq reportedly were still working out arrangements for this deal, which could be for up to 500 tons of yellowcake. We do not know the status of this arrangement.

Reports indicate Iraq also has sought uranium ore from Somalia and possibly the Democratic Republic of the Congo. We cannot confirm whether Iraq succeeded in acquiring uranium ore and/or yellowcake from these sources.

And finally, the NIE offered these conclusions with "high confidence":

Iraq is continuing, and in some areas expanding its chemical, biological, nuclear and missile programs contrary to UN resolutions.

We are not detecting portions of these weapons programs.

Iraq possesses proscribed chemical and biological weapons and missiles.

Iraq could make a nuclear weapon in months to a year once it acquires sufficient weapons grade fissile material.

There were, to be sure, dissenting opinions included in the NIE. Most notably, the State Department's Bureau of Intelligence and Research found the available evidence that Iraq was reconstituting its nuclear programs "inadequate." But these judgments were footnotes, figuratively and in some cases literally. Larry Wilkerson, former State Department chief of staff and now an outspoken Bush administration critic, put it this way in a recent speech in which he described the intelligence Colin Powell used for his presentation to the U.N. Security Council. "People say, well, INR dissented. That's a bunch of bull. INR dissented that the nuclear program was up and running. That's all INR dissented on. They were right there with the chems and the bios. . . . The consensus of the intelligence community was overwhelming."

Bush administration officials reasonably believed that releasing the NIE would stanch the flow of leaks coming from the CIA. They were mistaken.

Bush administration officials reasonably believed that releasing the NIE would stanch the flow of leaks coming from the CIA and would weaken the claims that "Bush lied" to take the country to war. They were mistaken.

On September 26, 2003, NBC correspondent Andrea Mitchell and MSNBC's Alex Johnson reported on the MSNBC website the following: "The CIA has asked the Justice Department to investigate allegations that the White House broke federal laws by revealing the identity of one of its undercover employees in retaliation against the woman's husband, a former ambassador who publicly criticized President Bush's since-discredited claim that Iraq had sought weapons-grade uranium from Africa, NBC News has learned." The referral from the CIA to the Justice Department was classified and, according to officials with knowledge of the process, was almost certainly leaked by the CIA to put public pressure on the Justice Department to launch an investigation. It worked.

White House counsel Alberto Gonzales ordered White House officials to provide the FBI any documents related to the compromising of Valerie Plame. Almost immediately, Democratic politicians and left-leaning editorial boards began a campaign to call for the appointment of a special prosecutor. Attorney General John Ashcroft recused himself from the case, and on December 30, 2003, Deputy Attorney General James Comey appointed Patrick Fitzgerald.

For much of the next year, the Bush administration was willing to defend the Iraq war because it was the main issue in the 2004 presidential campaign. John Kerry, the Democratic nominee, repeatedly accused the administration of misleading the country into war. But Kerry had been a vocal supporter of regime change in Iraq throughout the Clinton presidency and had voted to authorize the Iraq war. His running mate, North Carolina senator John Edwards, voted the same way and had gone even further than the Bush administration, warning before the war that Saddam Hussein presented an "imminent threat" to the national security of the United States.

On the stump, President Bush continued to make the case that Saddam Hussein had been a threat. On July 12, 2004, nearly a year after the NIE was released, Bush spoke at the Oak Ridge National Laboratory in Oak Ridge, Tennessee:

Three years ago, the ruler of Iraq was a sworn enemy of America, who provided safe haven for terrorists, used weapons of mass destruction, and turned his nation into a prison. Saddam Hussein was not just a dictator; he was a proven mass murderer who refused to account for weapons of mass murder. Every responsible nation recognized this threat, and knew it could not go on forever.

America must remember the lessons of September the 11th. We must confront serious dangers before they fully materialize. And so my administration looked at the intelligence on Iraq, and we saw a threat. Members of the United States Congress from both political parties looked at the same intelligence, and they saw a threat. The United Nations Security Council looked at the intelligence,

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and it saw a threat. The previous administration and the Congress looked at the intelligence and made regime change in Iraq the policy of our country.

This argument would end up being the administration's strongest defense of the case for war in Iraq to this day.

Fitzgerald's investigation continued largely out of public view. More than two dozen White House officials were interviewed by the FBI. Many of them later testified before the grand jury. An already cautious White House closed in on itself. Emails on issues of any importance were a thing of the past. Written memos about sensitive subjects—even those wholly unrelated to the investigation—were considered unwise.

Months earlier, after the public debate over the "16 words" about uranium from Africa in the president's 2003 State of the Union address, White House chief of staff Andrew Card had ordered an overhaul of the speechwriting process. The changes were mainly bureaucratic and did not dramatically alter the way presidential speeches were written.

The experience of the "16 words" controversy, however, led the president's aides to purge any fact or piece of evidence that could possibly be challenged—whether by vetters in the speechwriting process itself or in the media. "We didn't want to have a pissing match with the [Central Intelligence] Agency on the front page of the *New York Times* every time we put something out," says one former Bush administration official.

The default position was to refrain from publicly asserting anything that could possibly provoke a public debate, and the result has been that each new Iraq speech the president gives—however well written—ends up sounding a lot like the last speech the president gave. For the most part, the speeches have been heavy on assertions and light on arguments. So for most of his second term the president would claim that Iraq is the central front in the war on terror without stopping to explain *why* Iraq is the central front in the war on terror.

This reluctance comes not from a lack of arguments to make but from a fear that if the administration aggressively makes its case, the CIA will promptly seek to undermine it through leaks that wind up on the front pages. But this self-censorship is keeping the administration from making full use of the information at its disposal. Here are three examples.

When the president mentions Abu Musab al Zarqawi, current head of al Qaeda in Iraq, he rarely points out that Zarqawi was in Iraq before the war, and he never points out that Zarqawi's operatives were working closely with senior Iraqi Baathists even as U.S. troops were engaged in "major combat" in Iraq.

When the president notes the former Iraqi regime's support for terrorism—a rare occurrence these days—he never mentions Abdul Rahman Yasin, the lone fugitive from the 1993 World Trade Center bombing, who was provided assistance by the Iraqi regime in his flight from the United States. (That fact is not even controversial: It is cited in the July 2004 Senate Intelligence Committee report on prewar intelligence on Iraq.) The FBI is in possession of documents that indicate Yasin was given financial support by the regime of Saddam Hussein for a decade after his return to Iraq.

There are other documents from Iraq that would help the American public understand the nature of the former Iraqi regime and why a serious war on terror required its removal. Iraqi Intelligence Service (IIS) documents currently stored in a warehouse in Doha, Qatar, as part of the Defense Intelligence Agency's document exploitation project are a case in point. Many of these documents, listed in a database known as HARMONY, have rather provocative titles:

Money Transfers from Iraq to Afghanistan

Secret Meeting with Taliban Group Member and Iraqi Government (Nov. 2000)

Iraqi Effort to Cooperate with Saudi Opposition Groups and Individuals

Order from Saddam to present $25,000 to Palestinian Suicide Bombers' Families

IIS Reports from Embassy in Paris: Plan to Influence French Stance in UN Security Council

IIS Report on How French Campaigns are Financed

Improvised Explosive Devices Plan

Ricin research and improvement

There are thousands of similar documents. Many have already been authenticated and most are unclassified. That's worth repeating: *Most are unclassified.*

Of course, nothing is more important than winning on the ground in Iraq. Demonstrating that we are killing terrorists and making steady progress on the political front will do much to blunt the criticism of the war. But if the White House refuses to challenge its critics, and refuses to explain in detail *why* Iraq is the central front in the war on terror, and refuses to discuss the flawed intelligence on Iraqi WMD, and refuses to use its tremendous power to remind Americans that Saddam Hussein was, in fact, a threat, then it risks losing the support of those Americans who continue to believe that the Iraq war, despite all of its many costs in blood and money, was worth it. ♦

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Faith in Democracy

How the debate over religion in the West distorts our understanding of freedom in the Middle East.

By James W. Ceaser

The stirrings of a new wave of democracy are underway in one of the least probable regions of the world: the Middle East and Central Asia. Elections in Afghanistan, Iraq, the Palestinian territory, and Lebanon, together with rumblings of liberalization in Egypt, are tangible signs of a growing desire for democratic forms. While the ultimate prospects for success are uncertain—waves of democracy have been partly reversed before—all observers agree that the outcome will hinge in part on meeting the enormous challenges stemming from the interactions of faith and politics. The influence of religion, especially Islam, is considerable throughout the region, and it is impossible to imagine achieving a natural equilibrium between society and government without religion playing some role. Yet Western intellectuals have been strangely inhibited in honestly assessing, or even frankly discussing, the many dimensions of this issue, largely because they have been preoccupied with the role of faith in Western societies and with trying to discredit a growing influence of the religiously minded on American political life. Given all that is at stake in the Middle East, the tangle of this willful confusion deserves a closer look.

Much of the energy for the current wave of democratization has been supplied by Iraq, where the experiment is taking place under the most difficult of circumstances. The first Iraqi elections, held in January 2005, illustrated the importance of Islam in the local political cultures, when the religious-based Dawa party came out on top. Religious elements, working with other parts of Iraqi society, were also instrumental in navigating the long process that ended the other week in securing adoption of a new democratic constitution.

The importance of faith in the politics of the Middle East is likewise in evidence in the case of the one settled democratic Islamic nation, Turkey, where the current governing party—the AK, or Justice and Development party—now has a strong relationship to religious forces. To many in Turkey the inclusion of a religious party in the government, whatever problems it may pose, represents the beginning of a process of normalization following the imposition of an uncompromising secularism early in the 20th century. The acceptance of the AK promises to integrate Islamic forces into the political system, enabling them to participate along the lines of the many Christian Democratic parties that were once so influential in Western Europe and parts of Latin America.

Concern about the "religious problem" has long influenced Western judgments about the outlook for democracy in this region. From the West's own troubled experience with Christianity, analysts have worried about the twin evils of religious intrusion into political life (the so-called theocratic impulse) and sectarian conflict. Both problems are present in the Islamic world and have been regularly on display in Iraq, where on some days one has seen the menace of a theocratic movement led by the cleric Moktada al-Sadr, while on others there have been violent attacks by Sunni Muslims on Shia worshipers as well as persecution of Arab Christians. This sectarian conflict—like that in Ireland—has multiple sources, but religion adds fuel to the flames. As the 18th-century philosopher David Hume once observed, "For as each sect is positive that its own faith and worship are entirely acceptable to the deity, the several sects fall naturally into animosity and mutually discharge on each other that sacred zeal and rancour, the most furious of and implacable of all human passions."

Western concerns about Islam go deeper, however, than the parallel problems that once afflicted Christendom. Some argue that Islam, in contrast to Christianity, is at its core a religion of the sword, devoted to worldwide conquest. As the noted scholar Bassam Tibi, a German of Syrian origin, has explained this view, if non-Muslims refuse conversion, "Muslims are obliged to wage war against them. . . . Muslims believe that expansion through war is not aggression but a fulfillment of the Qur'anic command to spread Islam as a way to peace." If this is true, Islam will

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always be a breeding ground of fanaticism and intolerance. Others argue that the comprehensiveness of Islamic religious civil law (*sharia*) allows for little or no "space" for the formation of a political life that is independent of religious control. For this reason, many have concluded that there is an inherent incompatibility between Islam and liberal democracy. Accordingly, not much in the way of democratic development should ever be expected from this quarter of the world.

Adding to these sweeping theoretical concerns is the more recent and palpable fact that the forces that have targeted Western liberal democracy have built their ideology on a version of Islam. Ever since the Iranian revolution of 1979, led by the Ayatollah Khomeini, and later the establishment of the Taliban regime in Afghanistan and the founding of al Qaeda, the image of large numbers of believers inveighing against the "Great Satan"—America—has been etched into the minds of the Western world. In looking for a name to identify this enemy that is more precise than "terrorism," a tactic used by myriad movements, many in the West have settled—fatefully, as it turns out—on the label "Islamic fundamentalism."

The threats posed by these religious-inspired movements have complicated the conduct of Western foreign policy. If the greatest danger is populist religious fundamentalism, and if opening the door to democracy means inviting fundamentalist forces to participate in politics, then many ask, why should anyone urge democracy? The result might well be "one man, one vote, one time," as looked to be the case in Algeria in 1991, after the Islamic Salvation Front (FIS) won the first round of a national election and all but promised to introduce a theocratic regime. The second round was cancelled, without objection from most Western governments.

This dilemma has led to the West's ambivalence about democratic reform in the region, expressed in policies that range from backing "moderate" autocracies to turning a blind eye to outright tyrannies. The Middle East, many say, lives between the extremes of populist fundamentalism leading to theocracies and antifundamentalist autocracies. The option of a genuine *liberal* democracy—a popularly elected government that also assures a modicum of political and civil liberty—is unavailable. According to foreign affairs analyst Fareed Zakaria, there is an "Islamic exception" to the development of liberal democracy that finds an "Arab world today trapped between autocratic states and illiberal societies, neither of them fertile ground for liberal democracy."

Autocrats in the region have long played on the West's fear of fundamentalism, in some cases shaking down Western nations for money or concessions, in others demanding acquiescence to abuses. Political leaders in the West can rarely admit to embracing such "cynical" policies, but everyone on the inside knows what was whispered in the corridors of foreign ministries (and in many places still is): that, while one might not exactly have liked Saddam, he at least kept the fundamentalists at bay. Similar apologias are offered in some quarters in behalf of Assad's rule in Syria. For related reasons, many Western foreign policy establishments have expressed a special animus against the Shia form of Islam, which since the Iranian revolution has developed a reputation for being more chiliastic than the Sunni form. Realists have accordingly preferred to work with Sunni forces, even though branches of Sunni Islam have produced their own forms of fundamentalism—notably Wahhabism, one of the most virulent of the Sunni sects and the state religion of Saudi Arabia. During this time, Western intellectuals and journalists have practiced their usual opportunism by attacking America for doing business with autocrats, usually to secure oil concessions, only to criticize it for its naiveté or utopianism when it supports democratic movements, which are said to "destabilize" the region.

II

Nothing is more important for practical policy assessment than to determine whether the fundamentalism vs. democracy dilemma is as intractable as many have depicted it. But the sad truth is that in the West today the subject has become almost impossible to discuss on its merits. The reason has nothing to do with the realities of the Middle East or Islam, and everything to do with a major dispute that is taking place within our own societies about the role of faith in political life. What passes today for examination of religion in Islamic nations is often little more than a cover for efforts by some to score points for their position in the theoretical dispute about faith in the West. Before we can begin to discuss *their* religious problem, we must first come to grips with *our* religious problem.

The Western problem with religion became apparent in the reactions to the events of 9/11. As president of the United States, George Bush had the first crack at framing the meaning of what had happened. To the dismay of many, he immediately opted to characterize the attacks as part of a "war." But a war against whom or what? Bush sought to delimit the enemy to a group of "terrorists" or "evildoers"—he did not use the term fundamentalists. As the terrorists were all Muslims and explicitly justified their actions in the name of Islam, Bush could not avoid raising the religious question. He took pains, however, to separate the terrorists from the practitioners of the religion as a whole, arguing that the threat came from a "fringe form of Islamic extremism." "Ours is a war not against a religion,

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not against the Muslim faith." Bush characterized the enemy on the basis of its inveterate opposition to a free regime: Our enemies are people "who absolutely hate what America stands for, . . . they hate . . . democratically elected government, . . . they hate our freedoms—our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other." Bush's defense of democracy and freedom relied on a universal set of ideas deriving from principles of nature and of religion, the latter expressed in nonsectarian terms: "Americans are a free people, who know that freedom is the right of every person and the future of every nation. The liberty we prize is not America's gift to the world, it is God's gift to humanity."

A strong reaction against this understanding of the conflict and against Bush's characterization of the West developed. Although none denied that the terrorists opposed freedom, many claimed that what provoked the Islamic world—and would prevent a long-term solution to the conflict—was America's own religious fundamentalism. In this view, there was indeed a clash of fundamental values, but it was not at bottom one between liberal democracy and its foes, but rather between two religious fundamentalisms: Christian fundamentalism (American style) and Islamic fundamentalism. While obviously different and conflicting, these two fundamentalisms are in another sense the same. They are both "fundamentalisms." The most important division in the world today, therefore, is one that cuts right through both Western and Islamic societies. It is the line between those who are religiously fundamentalist and those who are not.

This last view has had widespread support among Europe's intelligentsia. In a highly publicized account of the post-9/11 world, the late French philosopher Jacques Derrida argued that the current international situation is best summed up as "a confrontation between two political theologies." One is found among those who identify themselves as "Islamic fundamentalists," the other is localized in America, a nation that, despite a legal separation of church and state, has a religious culture that "relies on a fundamentally biblical (and primarily Christian) . . . discourse of its political leaders." An equivalency of sorts exists between these two fundamentalisms, captured in the slogan "Bush and Bin Laden." In neither case do the fundamentalists speak for all of the faithful. Islamic fundamentalists, according to Derrida, do not represent authentic Islam, "any more than all Christians in the world identify with the United States's fundamentally Christian professions of faith." The idea of the West as an entity of roughly shared values no longer exists. It has been superceded by the more basic division between fundamentalists and nonfundamentalists, a distinction that places America in one camp along with al Qaeda and Europe in the other camp with certain so-called "moderates." America's essence of religious fundamentalism is often captured by the term "Bush," whose name now designates not so much a person as a worldview alien to Europe. Only this metaphysical use can explain why the American president has become so despised.

The picture of America described by Derrida represents a striking departure from the image that was often purveyed by European intellectuals during the last century, when the stress was placed on America's relentless and unchecked modernizing impulse. America was decried for its disregard of tradition. America was modernity's bulldozer, uprooting the past in every realm, from architecture, to gastronomy, to religion. A hundred years ago, Max Weber, in his celebrated work *The Protestant Ethic and the Spirit of Capitalism*, characterized modernity as "an iron cage" in which only "the ghost of dead religious beliefs" still lingered. Modernity was governed by a process of "secularization," under which religion gradually loses its hold on all aspects of society and culture. The nation leading this process, Weber suggested, was America, where "the pursuit of wealth, stripped of its religious and ethical meaning, tends to become associated with purely mundane passions."

Not all or even most of the European critics of America in the 19th and 20th century were religious, but almost all subscribed to this idea of America as the destroyer of tradition. The greatest philosopher of the twentieth century, Martin Heidegger, characterized "Americanism," by this time an abstract concept, as "the still unfolding and not yet full or completed essence of the emerging monstrousness of modern times." According to Heidegger, Europe (chiefly Germany) was caught in a "great pincer," squeezed by the modernist ideologies of Americanism and Bolshevism, which, despite their differences, represented from "a metaphysical point of view, the same dreary technological frenzy and the same unrestricted organization of the average man."

In the contemporary European intellectual critique of America, by contrast, the force threatening Europe derives from religion, with the pincer squeezing Europe coming from the two fundamentalisms. Although many European thinkers still take America to task for being too modern in certain realms, the main charge today is that America is not modern enough—that it adheres to an anachronistic concept of the nation, that it still expresses a belief in a principle of natural rights, and that it is not embarrassed to rely on religion. Meanwhile, European culture and politics have moved on to embrace a post-religious ethos, in which even the slightest mention of the Almighty in an official public address is seen as fatally compromising the practice of true democratic politics. Modern philosophers see this

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post-religious ethos as the core of a new third force in the world, which alone is consistent with promoting democracy. This time, Europe has much more confidence that it is leading the way to the future.

This change in European thought would seem at first glance to place Europe, not America, in the position of uprooting tradition by breaking with a major part of the West's heritage. Remarkably, however, Western European thinkers present this shift not as a break or discontinuity, but as an organic fulfillment of tradition. Derrida's own philosophical school of deconstructionism, which once prided itself on being the intellectual *enfant terrible* that challenged the Enlightenment, has now settled into a comfortable middle age of bourgeois orthodoxy by achieving, in Derrida's words, the Enlightenment's "absolutely original mark with regard to religious doctrine," namely a political system and public culture in which religion plays no role.

This analysis of the current difference between America and Europe curiously parallels a similar description by Alexis de Tocqueville of the situation in the 18th century. Tocqueville sought to explain how at that time "irreligion" became "the dominant and general passion" among intellectuals in France, though not yet among the public. He attributed the development to the influence of Enlightenment philosophers. But Tocqueville made clear that this was not the only path the Enlightenment might follow. He sketched an alternative, a second version of the Enlightenment, found in America, in which "the spirit of religion" was joined with "the spirit of freedom." America's religiosity was exceptional, but its exceptionalism offered a model worthy of consideration in promoting liberal democracy. For Derrida, American exceptionalism is a nightmare and a grave threat to democratic prospects.

From the thesis of the two fundamentalisms has come a general theory of how to approach the problems of the post-9/11 world. If there is to be reconciliation between Islamic societies and the West, it lies with the model discovered by the post-religious nations; any constructive dialogue must take place with the West's de-fundamentalized part, Europe. The two fundamentalisms only provoke one another, clashing as ignorant armies on a darkling plain. Post-religious nations also hold the key to promoting democracy. Democracy will never be spread if it is proclaimed, as America tries to do, on the basis of a universal standard, which is only another manifestation of American religious fundamentalism. According to Jürgen Habermas, Europe's most important contemporary philosopher, the promotion of democracy must rely on a different kind of "universalism," embodied in contemporary European philosophy, that is predicated "on an equality that demands . . . one step outside of one's own viewpoint in order to put it into relationship with the viewpoints adopted by another, which are to be regarded as equal." Other cultures must evolve to join this new universalism under Europe's patient tutelage.

Pierre Rosanvallon, one of France's most prominent social scientists, has carried Habermas's doctrine a step further, distinguishing between America's "dogmatic universalism," which is "characterized by an intolerable arrogance that is only made more so by its spontaneous naiveté," and Europe's pragmatic or "experimental universalism," which makes no kind of absolute claims. Europe's is the true universalism that alone "permits the launching of a dialogue that is far more equal among the nations." The lofty level at which Rosanvallon has addressed the world situation has unfortunately precluded him from testing his theory in relation to potentially emerging democratic states in the Middle East, but his reasoning suggests that any successes will be credited to the wonderful effects of experimental universalism. If anything has been learned from advanced philosophy, it is that each party is entitled to write its own narrative.

Ideas can move from their place of origin, and the hope of many European thinkers has been that America can be persuaded to abandon its fundamentalism and adopt the "European philosophy." Sure enough, large numbers of American intellectuals, backed up by Hollywood's elite, have embraced a version of the "two fundamentalisms" thesis. Similar warnings about the dangers of our "fundamentalism" appeared from the first moments following 9/11, and it was with a certain satisfaction that proponents of this view seized on George Bush's awkward reference early on to a "crusade" against terrorism, which only confirmed to them that the same mindset that they despised in America threatened to become the source of what troubled the world as a whole.

In a more recent version of this position, the *Washington Post* columnist Harold Meyerson noted that opposition to liberalism today "extends well beyond the backwaters of Islam. It includes the church that the pope [John Paul II] bequeaths us [and] the Protestant Christian Right." In the great worldwide divide Meyerson describes, the "red state" label has taken on added significance, with Kansas being grouped with Iran. All fundamentalists—meaning the set of religious believers that does not share liberal views on abortion, family issues, and stem cell research—are placed in the same global party of obscurantism.

III

No one denies that a rough division now exists in the West between the more faithful on the one hand and the advocates of a post-religious ethos on the other. The conflict between these two views

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accounts for much of the ongoing controversy between Europe and America and, within America, between elements of the Republican and Democratic parties. But the issue for our foreign policy is not whether such a domestic division exists, but whether it supplies an analytic framework for understanding international conflict. It is difficult to imagine an idea that is more fanciful—or more dangerous, not only to our national interest but to the interests of the democratic world. Construing the international situation on this basis is a strategy calculated more to promote the domestic project of Western opponents of religion than to assist in understanding the problems we confront.

The notion that America's religious beliefs are chiefly responsible for provoking the Islamic world is fantasy. George Bush is admittedly not the favorite in many parts of the Islamic world, where his poll numbers register almost as poorly as they do in Paris or Berlin, but it is absurd to suggest that American Christians favor a "crusade" or that they harbor an extraordinary animosity toward Islam. If devout Islamic believers see a cultural menace coming from the West, it is in fact much less from American religious values than from Western post-religious mores. A devout Muslim would certainly find the scene at Liberty University less objectionable than one at a European beach or at the Oscars. It is shameful of some in the West to insist that we should change our way of life just so as not to give offense to others. But for the many who play at following this line, it would be much better—at least it would be more honest—to look in the mirror at their own lifestyles than to point the finger at Christian fundamentalism.

When it comes to the task of devising a policy for promoting democracy, the two fundamentalisms thesis provides no better guidance. The use of the word "fundamentalism"—intended, when it is defined at all, to mean strong religious beliefs—conveniently conflates the group of radical Islamicists, who have openly spoken against democracy and liberties, with the American faithful, *who defend democracy and liberties*. The idea of a dichotomy between the strongly religious who are associated with those beyond the pale of liberal democracy on the one hand, and the post-religious who are the true defenders of liberal democracy on the other, is an ignorant calumny. It denies what is most important politically, which is the distinction between liberty and a form of fascism or terrorism, and replaces it with a vague cultural distinction between the post-religious ethos and fundamentalism. Yet how can American fundamentalists rightly be labeled foes of democracy when they support the U.S. Constitution, swear by freedom of speech and freedom of religion, follow the rules of the game, and participate in democratic politics (which, until the religious began to vote for Republican candidates, was widely considered a democratic activity)? Their only sin, if sin it be, is that they have different policy preferences from many post-religious thinkers on the issues of abortion, marriage, and embryonic research.

The historical record supports this point. In the United States, religion has marched hand in hand with the development of liberal democracy. There have been occasional tensions between some religious doctrines and elements of liberalism, but far less so than between some secular doctrines and liberalism (think of Marxism). Elsewhere in the world the historical relationship between Christianity and democracy has been more complicated, but by the middle of the twentieth century, Christian faith clearly was supportive of liberal democracy. The third wave of democratization, which began in 1974, has been called by political scientist Samuel Huntington "overwhelmingly a Catholic wave." Not only did democracy see its greatest progress in largely Catholic countries, but the role of the faithful was in many cases critical to the development of democracy—Poland, above all, comes to mind. To divorce the cause of democracy from religion and assign it exclusively to the post-religious is to rewrite history.

Why have so many in the West, particularly on the left, embraced the idea that "fundamentalists" are the enemies of democracy and that nonfundamentalists are its friends? Is it because they wish to simplify matters and satisfy themselves that what they oppose at home must also be the source of all of the woes in the world? Is it because, while condemning the alleged Manicheanism of religious thought, it is they who are unconsciously guilty of just this vice, substituting the secular distinction between nonfundamentalist and fundamentalist, or between "Europe" and "America," for the religious distinction between good and evil? The effect of such verbal manipulation may be to achieve a small gain in a domestic political conflict, but at the expense of enormous potential damage to our interests in the world.

IV

The thesis of the two fundamentalisms has laid an intellectual trap. By inveighing against American "fundamentalism," and falsely labeling it illiberal and undemocratic, Western nations would practically consign themselves to denying the possibility of liberal democracy in the Middle East. If intellectuals here cannot bring themselves to admit that the Christian right in America is democratic (even if they do not like many of its policies), then how can they begin to accommodate themselves to the prospect of "democratic" regimes and parties in the Middle East that are influenced by Islamic beliefs?

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Only as we in the West free ourselves from this trap can we return without prejudice to the practical question of Islam and democracy. Without prejudice means just that: trying to look at the facts without declaring in advance either that Islam and democracy are incompatible or—in some bizarre bow to the politically correct notion that nothing more troublesome can be alleged about a non-Western belief than about a Western one—that Islam poses no more problems for democracy than Christianity. Islam is different from Christianity, and it is not beyond the realm of possibility that it might present special challenges.

Except for the handful of experts who have studied these questions, most in the American academy have been playing catch-up over the past four years, trying to learn as much as possible about faraway parts of the world that have been peripheral to American education. This effort has taken place during a period of unusual stress, when the temptation to succumb to broad generalities that purport to explain everything is at its greatest. Yet the more one studies this subject, the more variegated and fluid the scene appears. Not only is each Islamic nation different, not only are there competing traditions within Islam, but there are now new currents of thought stirring in the Islamic world, stimulated in part by the 9/11 attack and its aftermath. Whatever the merits of some of the older generalities and syntheses, they seem today to be in need of considerable qualification.

On the invitation of the State Department, I recently had occasion to visit Turkey and speak, among others, to some Islamic groups. Although Turkey is hardly the modal case of an Islamic nation in the Middle East—which one is?—it is an important one, and to many in the region it represents a model case of democratic development. My task on this visit was to talk in a general way about American politics and life, in the hope that greater understanding would promote better relations between the two countries. One paragraph from my talk, intended as a straightforward description of the role of religion in political life, sparked the most interest. I quote it in full:

> In the United States there is no single legally established church or religion and no official establishment of religion as such. There are also many rules and practices in effect that enforce a strong legal separation between the two realms (much stronger, as it turns out, than some would prefer). Nevertheless, religion as a whole exercises a fairly strong influence today on political life, in the sense that many religious people bring religious concerns to bear on political issues that they believe have a religious dimension. Most of the time their positions are presented as a mix of religious and "secular" and political arguments, as religious arguments alone are unconvincing to many. There is another interesting fact. Instead of the different religions in America competing and contesting against one another in the political realm, as they sometimes did in the past, there is today a growing alliance among the religious of different faiths, who find that despite their doctrinal differences, they share many common concerns. Evangelical Protestants, orthodox Catholics, and orthodox Jews often work together on such issues as abortion policy, questions of the definition of families, and on matters related to embryonic research. Much less is known about the behavior of the Muslim population in the United States, which is rapidly growing. But I suspect that except on the question of support for Israel (where many Muslims would be at odds today with the position of parts of the rest of the religious community), they could well become a part of this same loose coalition. These religious groups today are fully committed to liberal democratic politics, and they are also devoted to modernity, in the sense of wishing to participate fully in the modern world of science and commerce. They are not, or do not see themselves, as backward-looking or anti-modern; many of them are, however, deeply concerned about certain aspects of modernity, and their work together in politics has been devoted to creating a path inside of modern life in which their values and faith can better be realized.

From a speech that dealt with many aspects of American life, this paragraph led to the most probing discussion. After a few formulaic objections relating to the theological doctrine espoused by some Protestants of a Jewish presence in Israel before the return of the Messiah, we got down to brass tacks. My audiences wanted to know more about the democratic and modernist character of these religious movements, and how religious groups sought to advance their concerns in a society devoted to keeping political life free of ecclesiastical control. This position seemed in many ways close to what some of them were seeking to accomplish. Contrary to what thinkers espousing the post-religious ethos argue, the religious in other societies who are beginning to be involved in the democratic process are naturally more interested in entering into a dialogue with those in the West who have religious concerns than with those who are devoted to postmodern philosophy.

The implications of this reaction for practical politics are obvious. The West's (and America's) policy of democratic outreach needs to proceed by a dual-track strategy, one part that reaches out to secularist elements, another to religious groups. Western post-religionists have contributed mightily to the cause of liberal democracy, but they are destined to fail if they think that they can produce replicas of themselves in Islamic nations. However much it may disappoint them, the politics of most of these nations are not going to resemble the politics of Holland or of San Francisco, any more than the politics of the United States as a whole will resemble those of such places. If the West's conception of democracy today

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should ever become predicated on the narrow idea of a fully post-religious culture, we will end up speaking only to select parts of the societies we seek to influence. James Bryce, who pioneered the field of democratization studies with his work *Modern Democracies* (1921), noted an analogous problem in his day, when he lamented that the cause of democracy in several nations was being left to urban "*cientificos*"—those who had adopted the latest progressive views, but who had little contact with the mass of their own people. A democratic movement without a popular base, Bryce observed, is a contradiction in terms.

If a fruitful dialogue between the West and the Middle East is to take place, it will need to draw on every credible asset our societies have to offer. For us in the West, this dialogue should be considered a political, not a religious, matter. Except for the few of the Muslim faith in America, Americans per se have no stake either in serving or disserving the cause of Islam. The outcome we seek is the evolution of regimes that are not unfriendly to America—regimes with which we can work—and that have a chance to become stable and self-sustaining. The belief of the Bush administration is that these objectives will be best achieved if more of these societies develop into stable democratic regimes. The great debate over the past three years has been whether this objective is in fact achievable, or whether it represents a utopian gambit. For now, the experiment has been launched, and until it is proven a failure, all parts of the West, except those motivated by sheer perversity in their antipathy to George Bush, should hope and work for its success, as it clearly represents the best option imaginable.

America is well-positioned to help promote this change—and for the very reason that many have seen fit to deplore it. Contemporary America has the asset of possessing both a strong religious and a strong secular component, *both of them friends of liberal democracy*. Each can speak to different parts of other nations. The faithful and the post-religious are likely to remain contentious at home—they have a great deal to quarrel about—but they would be foolish to allow these secondary differences to obscure their common interest. For the sake of that interest, it is time to beat our own sectarian swords into democratic ploughshares. ♦

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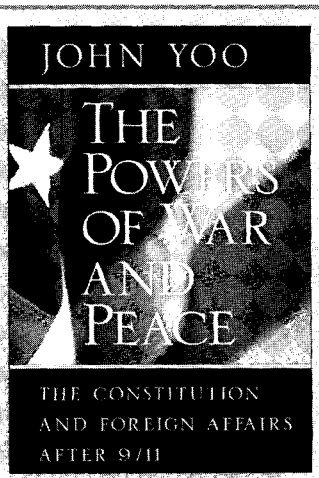

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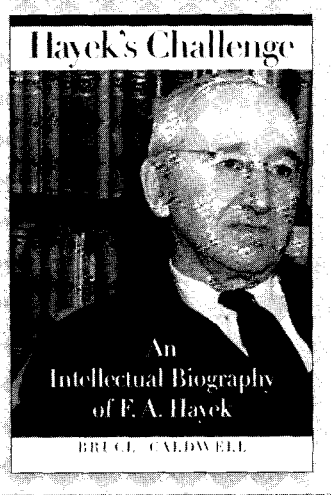

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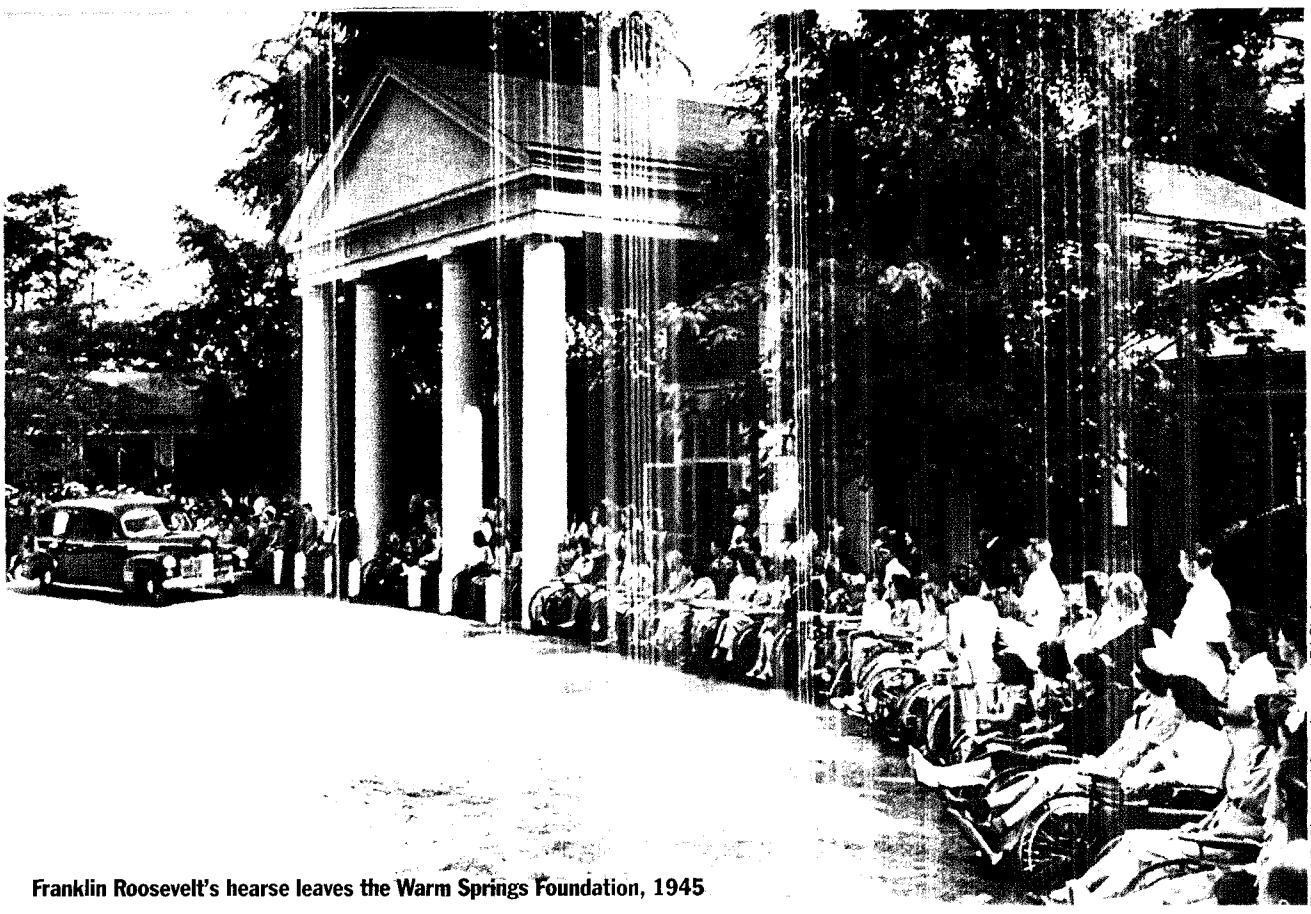

Franklin Roosevelt's hearse leaves the Warm Springs Foundation, 1945

Time Life Pictures / Getty Images / Ed Clark

Paralyzing Fear

How the 'conquest of polio' became a national crusade BY CHRISTINE ROSEN

Since it has only been a little over 50 years since Americans experienced the scourge of polio, it is a little alarming that the Smithsonian's National Museum of American History decided to call a recent exhibit, "Whatever Happened to Polio?" If contemporary Americans think about polio at all, evidently, they have only vague ideas about this bygone affliction. They might remember polio's most remarkable celebrity sufferer, Franklin Delano Roosevelt, or its unlikely conqueror, the scientist Jonas Salk. But they recall little else, despite the fact that there are, by some estimates, 400,000 polio survivors still living in the United States.

But as David M. Oshinsky's excellent new book reminds us, in the 1950s, the enemy within that concerned Americans wasn't only communism; it was polio. Here was a disease that targeted children and that frustrated the physicians and public health officials who sought to prevent it. They knew that it struck in the balmy months of summer, affected more boys than girls, and respected no geographical or socioeconomic boundaries. It left its victims weakened or permanently paralyzed, and often killed the most vulnerable. But the etiology of the virus was little understood. Oshinsky, a historian at the University of Texas and the author of previous books about McCarthyism and justice in the Jim Crow South, skillfully weaves archival resources and medical description to argue that polio was, in important ways, a uniquely American experience.

Polio
An American Story
by David M. Oshinsky
Oxford, 342 pp., $30

"Americans were primed to see polio as an indigenous plague with an indigenous solution," he writes, "a problem to be solved, like so many others, through a combination of ingenuity, voluntarism, determination, and money." As with previous (and future) health crusades, victory was assumed. "One of the most common mantras of the post-World War II era, repeated by fund raisers, politicians, advertisers, and journalists," Oshinsky notes, "was the bold and (ultimately) truthful, promise, 'we will conquer polio.'"

Two stories emerge from Oshinsky's well-drawn narrative, which focuses largely on efforts in the 1940s and '50s

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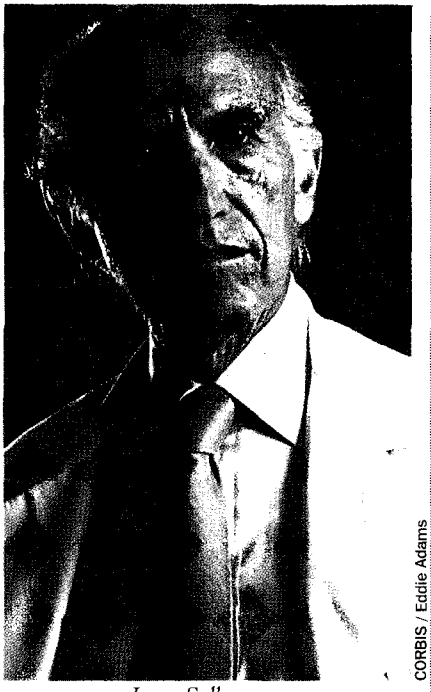


CORBIS / Eddie Adams

Jonas Salk

to understand the disease and develop a vaccine. The first is the tale of the National Foundation for Infantile Paralysis (later called the March of Dimes) and how it permanently transformed crusades for American public health and charitable giving. The second story focuses on the scientific rivalry between the two polio researchers intent on creating an effective polio vaccine: Albert Sabin and Jonas Salk.

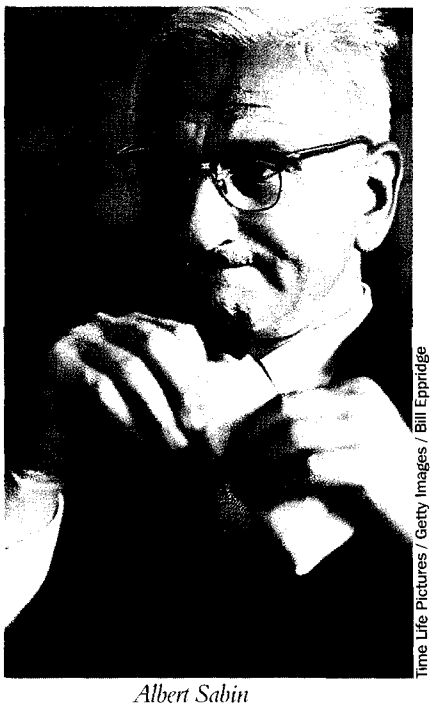
Central to the first story were the efforts of polio's most famous victim, FDR, who, in 1921, at the age of 39 and at the cusp of a promising political career, fell ill with polio. Seven years later he won the governorship of New York and had become the public face of polio survivors—although he skillfully downplayed the extent of his physical disabilities. But FDR's "splendid deception," as one historian called it, did not preclude a lifelong desire to improve the lives of other polio sufferers. Roosevelt created the Warm Springs Foundation (run by his law partner Basil O'Connor), which was the forerunner of the National Foundation for Infantile Paralysis.

As president, Roosevelt encouraged fundraising for polio research and treatment at nationwide "birthday balls" (complete with songs written specifically for the occasion by Irving Berlin) and worked with O'Connor to turn the foundation into "the largest voluntary health organization of all time," Oshinsky notes. When the vaudeville actor and *Ziegfeld Follies* alum Eddie Cantor suggested a campaign, called "The March of Dimes," where Americans could send dimes to the president in support of a polio cure, the White House was inundated with dime-laden mail.

As Oshinsky convincingly notes, however, even during the worst decades of its spread, polio was "never the raging epidemic portrayed in the media." Nevertheless, polio generated fear across the country. After all, the notion that misfortune could be prevented with the helpful enlightenment of science and good public policy was an American truism. But preventive measures had failed, and, as a result, "the dilemma facing America's parents," Oshinsky argues, was "a feeling of personal helplessness in the midst of an apparently runaway epidemic, grimly chronicled in local newspapers and national magazines."

One can understand the fear generated by the hiss of the iron lung (or tank respirator), which was perhaps the most chilling reminder of polio's power. Victims were placed on a large tray that slid into the iron tank, leaving only their head visible, as the machine forced air pressure onto their chests and diaphragms to assist with breathing. Oshinsky tells the story of Fred Snite Jr., who contracted polio in 1936 while traveling with his family in China. He was lucky that a hospital in Beijing (then called Peiping) had one of the world's 222 iron lungs. Snite, called "Crazy Foreign Devil" by the Chinese, traveled in the iron lung all the way back to Chicago, where he lived on. He attended Notre Dame football games, got married, had three children, and cheerfully raised money for polio research—all from his iron lung—until he succumbed, at the age of 43, to heart and lung failure. He had spent 18 years in an iron lung.

The March of Dimes was savvy in raising public awareness and, to some extent, public fear about polio. They



Time Life Pictures / Getty Images / Bill Eppridge

Albert Sabin

"employed the latest techniques in advertising, fund raising, and motivational research to turn a horrific but relatively uncommon disease into the most feared affliction of its time," Oshinsky notes. As a result, "the foundation created a new model for giving in modern America, the concept of philanthropy as consumerism, with donors promised the ultimate personal reward: protection against the disease," a technique still used to great effect in public health fundraising.

From this mixture of promotion, dread, and the desire to conquer disease emerged another peculiarly American invention: the poster child. The first poster child was a polio victim named Donald Anderson, and the popular March of Dimes poster on which he was featured showed little Donald, his head flopping out of his neck brace, staring forlornly from a crib in a polio ward. A second, larger photograph showed a slightly older Donald striding purposefully, like a toddler Horatio, toward the viewer with a determined expression on his face and his polio, evidently, cured.

"Your dimes did this for me!" the poster trumpeted.

By 1952, polio cases in the United States reached a high of 58,000, and the public was impatient for a cure. The

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second story that emerges in Oshinsky's book, the scientific quest for a polio vaccine, is inextricably linked to the first since, at the time, private foundations such as the March of Dimes gave far more money to polio research than did the federal government. Oshinsky introduces us to the key players in polio research, men and women like Thomas Enders, David Bodian, Howard Howe, Isabel Morgan, and Hilary Koprowski, and their work—which included, among other things, an extensive traffic in the rhesus monkeys used for polio research and disturbing revelations about experimentation on so-called feeble-minded children and prisoners.

Oshinsky's portrait of Jonas Salk is of an outsider in the "tight, clubby world of virus research," a technician who was nevertheless considered "a lightweight as a thinker" and grudging in giving his coworkers due credit for their research. His rival, Albert Sabin, an obstreperous workaholic who had little patience for Salk, was no more appealing. As Salk pushed to develop his dead-virus vaccine, and Sabin promoted his own live-virus vaccine, the men reached a state of open warfare—"a bitter, widening free-for-all in which ego, careerism, and principle would become hopelessly blurred," Oshinsky writes.

Salk was the first across the finish line: His polio vaccine trials in 1954 marked the beginning of mass vaccination. From there, Basil O'Connor and the March of Dimes "would launch him into the dizzying world of celebrity science," Oshinsky writes. "Anointed by the foundation, acclaimed by the press, Salk was handed a role virtually guaranteed to offend his colleagues and ensure his ostracism from their ranks. The nation needed a special hero, it was felt, someone to thrill the public that had supported polio research for so long."

But after a dangerous debacle—one of the vaccine manufacturers shipped vaccine that included trace amounts of live polio virus that sickened and killed many children—Sabin's alternative vaccine, which was taken orally rather than by injections, emerged as a challenger to Salk's vaccine. Unsuccessful in his attempts to use American prisoners as test subjects, Sabin went to the Soviet Union in 1959 to test his vaccine. The experiments were successful, and Sabin's vaccine eventually overtook Salk's as the preferred polio immunization. The bitter rivalry between the two men, all too common in the world of research science, is well told by Oshinsky.

Underlying both the story of the March of Dimes and the race for a polio vaccine is another theme: Americans' enduring, pragmatic faith in science and its ability to end suffering. "The battle was fought in a time before federal involvement in medical research and patient care became the norm," Oshinsky reminds us in his conclusion. "Bold leadership would bring together a band of contentious researchers, provide them with a plan of attack, subsidize their efforts, force them to pool their findings and—yes—favor the one among them who showed the greatest urgency in working toward a vaccine." All of this, Oshinsky argues, was done in the "spirit of voluntarism," and "all of it reflected the steady faith of post-World War II American society in the progress of medicine and technology."

Today, slick public relations campaigns featuring celebrity pitchmen have replaced the humble poster child. Glamorous fundraisers to fight the disease *du jour* occur weekly in cities across the country. Yet the fear of illness and disease, especially among an aging population, has not abated. Oshinsky's book is a provocative reminder that faith in science's ability to conquer disease itself has a history—one that, in the era of the human genome, could not be more relevant. ♦

The Two Sharias

Islamic law is open to interpretation.

BY MORGANA SINCLAIR

Its images are etched into our memory. In Bali, 202 people are incinerated in Kutu Beach nightclubs, punished for their "decadence." In Pakistan, Zafran Bibi, pregnant by rape, is sentenced to death by stoning, her pregnancy taken as proof of adultery. In Saudi Arabia, 15 girls, fleeing a burning dormitory in their nightdresses, are forced back into the flames by the *mutawwiyya* (religious militia) and die in the flames for violating "Islamic" standards of dress.

This, we are told, is *sharia*, Islamic law. But as the authors here explain, there is a crucial distinction to be made between traditional and extreme *sharia*, and at the outset they provide two essential insights. First, Paul Marshall defines radical Islamism as "a program for the restoration of a unified Muslim *ummah*, ruled by a new Caliphate, governed by reactionary Islamic *sharia* law, and organized to wage *jihad* on the rest of the world."

Radical Islam's Rules
The Worldwide Spread of Extreme Shari'a Law
Edited by Paul Marshall
Rowman & Littlefield, 226 pp., $27.95

Second, extreme *sharia* is shown to be a radical departure from traditional *sharia*, the body of guidance for Muslims, organized in varied schools. These formulated a legal consensus based on the Koran, the *hadith*, the lives of the Prophet and his original

Morgana Sinclair is a book editor in Washington.

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Reuters / CORBIS

A 'We Miss Sharia' march, Jakarta, 2002

companions, and precedents from early Muslim jurists. Traditional *sharia*—"the path" or "the way"—incorporates guidelines for marriage, economics, and criminal law that exemplify justice, "the right," and "the good."

By contrast, extreme *sharia* claims to manifest divine will. Because extreme *sharia*, says Nina Shea in her essay, "is maintained as God's direct reign on earth—and not simply a fallible human interpretation of sacred law—it precludes checks and balances, a separation of powers, real legislative power, the rule of law, and free elections."

The first Western glimpse of extreme *sharia* came with the Iranian revolution of 1979. Abolishing the rights granted by the 1906 Persian constitution and extended during the Pahlavi era, the revolutions forced women to cover themselves and accept complete personal control by men. The Baha'i and other dissenters from Shia Islamic orthodoxy were viciously suppressed, and personal freedoms all but vanished.

A doctrine of "bloodshed with impunity" created what Mehrangiz Kar, another contributor, calls "a vacuum that generates terror." Possessed of absolute governing power, Ayatollah Khomeini issued his *fatwa* ordering the killing for blasphemy of Salman Rushdie, a British subject. Arrogating ever-increasing power to themselves, the nonelected Iranian Council of Guardians has vetoed every piece of reform legislation brought before it, and, in 2004, disqualified the candidacies of thousands of liberals standing for national election.

In Pakistan, extreme *sharia* arose in a legal environment made vulnerable to extremism by an unstable constitution. Its implementation has generated social havoc and near-total economic chaos. The country's powerful use terrifying blasphemy laws and gruesome *hudud* punishments—only rarely employed since the earliest Ottoman times—as coercive devices to intimidate dissenters. Pakistan stands in violation of virtually all international human rights agreements, including conventions against the use of torture and the inhumane treatment of children.

But the most brutal form of extreme *sharia* is the original one: Wahhabism, the state religion of Saudi Arabia, which spawned al Qaeda. It arose just 250 years ago in the desolate Nejd region of Arabia. "It is not conservative," writes Stephen Schwartz, in the opening essay, "but radical. . . . It is not based on *sharia* as understood during more than 1,000 years of Islamic jurisprudence but on a crude and ultra-simplistic interpretation that rejects the *sharia* embodied in the four established Sunni legal schools." Women are beaten in the streets for the slightest dress code violation, denied the vote, prohibited from driving, and have no rights even to the children they bear.

Wahhabi extremism did not remain within Saudi borders. Shocked by the Iranian Revolution, and fearful of rising Shia power in the region, the House of Saud launched a campaign for worldwide export of the Wahhabi version of *sharia* in 1980, funded by their oil wealth. Saudis appeared with Alhaji Ahmed Sani, the governor of Nigeria's Zamfara state, just days before he announced plans to implement *sharia* in his jurisdiction. Nigerian Islamists hope to institute extreme *sharia* in 19 of Nigeria's 36 states, and then to use the majority to force it on the rest of the country. The Saudi cultural attaché in Lagos, Sheikh Abdul-Aziz, reports that his government has followed developments in Nigeria closely and has noted the results "with delight."

In Sudan, the Saudis bankrolled the National Islamic Front (NIF), founded by the Muslim Brotherhood. Thus far, the NIF has starved or slaughtered as many as two million Christians, Muslims, and animists. In the case of the Nuba, an indigenous south Sudanese community, the NIF attempted an authentic genocide. As Hamouda Fathelrahman Bella relates here, Sudan today is a stark example of Islamic pluralism destroyed. The Sufi Islamic *funj* state in Sudan (1504-1821) was characterized by simple, flexible worship and a lenient "white *sharia*" that fostered harmony between peoples of different beliefs, races, and cultures. Today, Sudan could not be more different from its historical example.

In contrast to these atrocities, developments in Malaysia and Indonesia, as described by Peter G. Riddell, offer some hope. In the 2004 elections in both countries, the Muslim majority reinforced protection of previously established safeguards of religious pluralism. Politicians supporting Indonesia's *Pancasila* philosophy—defining

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God as a principle shared by all five of Indonesia's major religions (Islam, Buddhism, Hinduism, Roman Catholicism, and Protestantism)—triumphed over those supporting the so-called Jakarta Charter, rejected in the constitution, which would institutionalize *sharia* for all Muslims in Indonesia.

After years of slow Islamization under Prime Minister Mahathir bin Mohamad, Malaysians returned to the vision of Tunku Abdul Rahman, the country's first prime minister: "There is no way we should have an Islamic state here," Rahman said. "We cannot force the non-Malays and non-Muslims to follow our way of life." Malays elected Prime Minister Abdullah Ahmad Badawi, who holds a vision of Islam equated with progress, not a backward-looking vision of extreme *sharia*. His decisive victory, says Riddell, "has given a shot in the arm to Muslim governments elsewhere that are faced by conservative Islamist opponents who dream of creating *sharia* states."

Radical Islam's Rules concludes with a Rand Corporation assessment of the Afghan constitution and Nina Shea's recommendations for American responses to pressure to institute extreme *sharia*. A picture of an uninformed U.S. foreign policy emerges from both. A top State Department policy coordinator suggested that the Afghan bill of rights need not assert the right of individual religious freedom because "99.9 percent of the population is Muslim." The constitution was drafted without this safeguard, and thereafter, two journalists and a cabinet member in the interim government of Hamid Karzai have faced blasphemy charges. The "repugnancy" clause of the constitution provides that "no law can be contrary to the beliefs and provisions of the sacred religion of Islam."

Then there is America. In the confusion following 9/11, Washington sought ways to prevent radical Islamism from spreading here, only to discover it already had. Slipping in under the radar, Wahhabis had already gained control of 80 percent of all American mosques (and countless schools and charities) and now distribute anti-Semitic, anti-Christian, and anti-American jihadist literature. The Armed Forces' Muslim chaplain program was established and run by Abdurahman Alamoudi, now serving a 23-year prison sentence for supporting terrorism.

Proponents of extreme *sharia*, Shea says, "outflank moderate Muslims in resources, institutions, infrastructure, and opportunities to influence American foreign policy makers." Among Shea's recommendations: that the United States stop the propagation by Saudi Arabia of all Wahhabi ideology on American soil—in mosques, schools, prisons, and the military—and that America urge other countries to do the same. R. James Woolsey adds another: "In combating this reactionary force, we must make common cause with the hundreds of millions of decent and reasonable Muslims in the world who want peace and prosperity for themselves and their families. . . . In supporting their struggle for democracy and against . . . extreme *sharia*, we are helping secure our own interest in a peaceful and prosperous world."

Rich with concise histories and a wealth of viable information on Islam, *Radical Islam's Rules* provides real clarity about *sharia*, both as the traditional body of guidance it has always been, and as the politicized, virulently oppressive control mechanism it has been deliberately manipulated to become. ♦

Senator No

How a southern conservative became a national Republican. BY CLYDE N. WILSON

In historical terms it was not too long ago, a half-century or less, that old-line Southern Democrats, with their seniority and solidarity in Congress and maverick governors like George Wallace, were a significant force in American politics. Jesse Helms went to Washington the first time (1950-53) as a staffer for one of those, Senator Willis Smith. Helms's autobiography covers that, as well as his small-town Depression-era origins, his career as a broadcast executive and editorialist that made him a candidate for the U.S. Senate as a newly minted Republican, and his 30 years in the Senate (1972-2002), including his chairmanship of the Foreign Relations Committee.

Here's Where I Stand
A Memoir
by Jesse Helms
Random House, 317 pp., $25.95

Jesse Helms is a unique, and probably unrepeatable, phenomenon. He was five times elected U.S. senator from a state that is larger than is commonly recognized, despite a well-deserved reputation for refusing to play by many of the normal rules of politics, and a professional and political background different from most senators. He won five statewide elections against opponents with potfuls of out-of-state money and the opposition of every daily newspaper in the state. After and before each election, the press announced that his victory had been a fluke and could not be repeated.

This autobiography displays many of the characteristics that one likes to think belong to the man himself. It is candid (in an extroverted sense), humorous, charitable to opponents, and firm in avowing the continued correctness of positions taken. You can see here the feisty but good-

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humored, above-board, and likable personality that was at least partly responsible for his political success and that went a long way, as he became better known in Washington, toward softening the hostile impression of "Senator No."

Despite a reputation for intransigence, Helms as senator clearly understood the difference between compromising on the possible and abandoning principle. There is no pomposity, self-absorption, or convenient obfuscation in his recollections. He tells on himself the story of one of his assistants, visiting in the bowels of the State Department, seeing a framed picture of the senator in a place of honor. Expressing some surprise at this, Helms's man was told that the portrait was a reminder that "the enemy is always watching."

Future students of later 20th-century politics will have, in this work, a useful and different perspective to consider about a good many things of importance. While Helms does not deal in gossip and personalities, his recollections do give interesting glimpses of the presidents and other greats and near-greats on the national scene during his time. To give a few hints only: Nixon did, indeed, lie to a friendly freshman senator about Watergate. From retirement, Sam Ervin telephoned his successor almost daily with advice. There are many more such nuggets. Helms's experience as a reporter and editorialist, I daresay, makes him a livelier and nuts-and-bolts storyteller than most politicians.

Helms clearly regards his chairmanship of the Senate Foreign Relations Committee as the most important aspect of his career. He believes he was instrumental not only in thwarting many bad appointments and projects, but in reversing a virtual monopoly on foreign policy by the State Department bureaucracy, and returning decisive control to the president and Congress. He has not retreated in the least from the stand that it was right to support bad governments when they were barriers against the far greater evil of Communist expansion. At any rate, Helms's account of how he navigated the Senate and dealt with the State Department will be of continued interest to those who study such things in the future.

I said that Helms's autobiography is candid—at an extroverted level. Yet there is a deep contradiction. In his comments on recent times, Helms has never met a Republican president or Republican policy that he does not like. He avows satisfaction at the triumph of conservative forces in American politics. At the same time he admits failure in the causes that brought him to prominence: abortion, school prayer, busing, affirmative action, arts funding. To close out his career as a complete party man is a strange, though probably inevitable, climax to the national career of one who rose to notice and power as a lonely die-hard for principle.

The chairman of the Republican National Committee was reported recently as apologizing for his party's "southern strategy," though doubtless he does not intend to give back the 7 out of 10 national elections that the strategy helped to win. Jesse Helms's career was part and parcel of the forces that made that strategy successful. His five-minute television editorials after the news, which went out across vast rural, conservative regions of North Carolina on the Tobacco Network, were an eloquent expression of the white South's response to the ferment of the civil rights era. I know. I was there. I heard them. You would never know that from the autobiography of the senator who now thinks federal appropriations to fight AIDS in Africa is a high priority.

The important story in Helms's career is one he never acknowledges and, perhaps, does not even recognize. It is the taming and mainstreaming of southern politics by co-option into the Republican party. ♦

Rhapsody in Blue

The requiem for classical music is premature.

BY KELLY JANE TORRANCE

Critics have been sounding the death knell for classical music for years. Concerts are becoming more sparsely attended; radio stations are dropping the classical format; and new music premieres are becoming less and less frequent. As a Chicago newspaper succinctly concluded, "Experience teaches that the class which enjoys classical music is a small minority."

Classical Music in America
A History of Its Rise and Fall
by Joseph Horowitz
Norton, 606 pp., $39.95

But that was no recent pronouncement; it was made at the end of the 19th century. Joseph Horowitz teaches us, in his commanding new book, that complaints made today about the public's taste—or lack thereof—are nothing new. Critics, composers, and conductors for at least a century-and-a-half have decried a public more interested in the easy and familiar than the new and challenging.

But as Horowitz would have it, it's not their fault. As can be deduced from its subtitle, this book is a passionate, not an "objective," history. The historian, former *New York Times* critic, and adviser to a number of American orchestras argues forcefully, and much of the time convincingly, for a very specific thesis: "America's music high

Kelly Jane Torrance is books columnist for the American Enterprise Online, *arts and culture editor of* Brainwash, *and fiction editor of* Doublethink.

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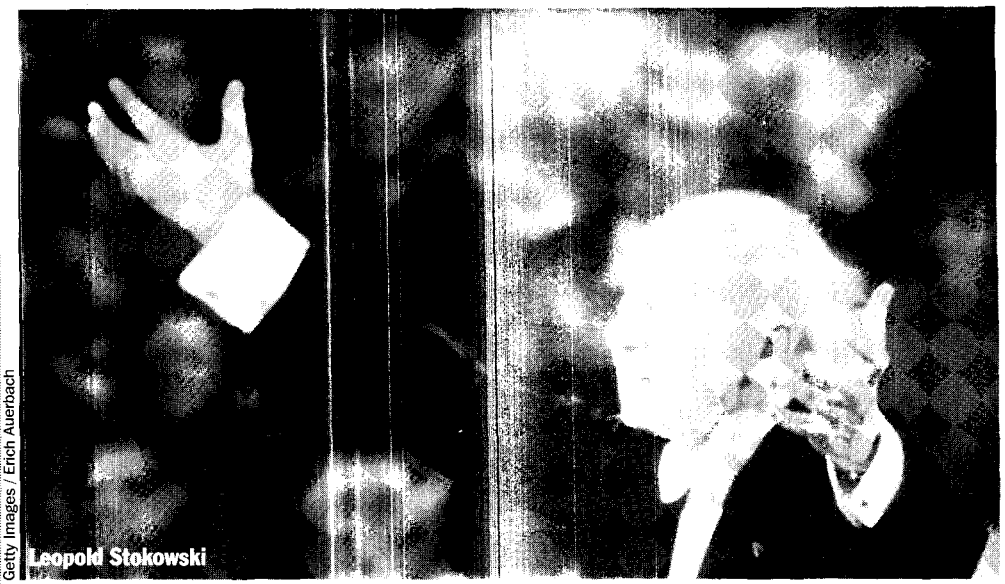
culture has at all times (alas) been less about music composed by Americans than about American concerts of music composed by Europeans."

Horowitz surveys a century and a half of musical history in this country, and has found a neverending inferiority complex. We have never considered our own music good enough, instead developing first-class institutions that exist almost solely to celebrate the music of another continent. His story is one of orchestras and opera companies rather than composers.



Getty Images / Erich Auerbach

Leopold Stokowski

The title is a slight misnomer: Horowitz begins his narrative only in the mid-19th century, focusing on the founding of orchestras in Boston and New York. From the beginning, classical music in America was different from its European progenitor. Its founding is a Jamesian tale of Old World decadence versus New World Puritanism—at least from the point of view of the Americans. Theodore Thomas, the German-born, American-raised conductor who founded Chicago's symphony orchestra, declared that concerts were "sermons in tones" that should be a "character-building force" and an "uplifting influence."

Thomas was by no means alone. "Historically, Americans have inclined to judge and understand high culture for its positive moral content, its power to ennoble and uplift," Horowitz notes. "And they have been quick to mistrust or reject art that seems decadent or blasphemous." So 19th-century tastemakers like the Boston critic John Sullivan Dwight celebrated the edifying power of Bach and Beethoven while 20th-century opera boards rejected Richard Strauss's erotic and violent *Salome*.

Beethoven, in particular, was worshipped by these puritans as a sort of god. His music, more than any other, was thought to have the ability to make us better people. The New York Philharmonic, the country's oldest orchestra, was founded in 1842 (at the same time as Vienna's, and 40 years before Berlin's). Its serious manner—and unadventurous programming—was part and parcel of its role as cultural uplifter: "The Philharmonic musicians tuned offstage and entered with dignity. All but the cellists performed standing. Of the nine programs constituting the first three seasons, two began with Beethoven's Fifth, two with Beethoven's Third, and two with Beethoven's Seventh."

But puritan Americans weren't shy about appropriating other music to their own, morally acceptable, ends. The country's worship of Richard Wagner at the end of the 19th and beginning of the 20th century is a case in point. As Horowitz writes, "Throughout Europe, Wagnerism attracted aesthetes, decadents, and Symbolists who withdrew into troubled realms of the illogical and unconscious, of disease and psychic disturbance." In America, Wagner was a different bird entirely. His Siegfried was remolded into the prototype of the American frontiersman: "He was Davy Crockett, who refused education and roamed the wilderness." American audiences managed to ignore Wagner's "incestuous lovers and unrepentant sinners."

Wagnermania reached such a fever pitch that it took over the country's preeminent opera company, New York's Metropolitan Opera. The German composer's totalitarian acolytes even silenced Met boxholders, the rich elite chronicled so memorably by Edith Wharton who came to the opera to be seen rather than to see—and who provided much of the company's financial support. (It wasn't Wagner's disciples' politics that soured the Met powers-that-be on the composer: The chairman of the opera company himself was actually denied a box because his [illegible] was Jewish.)

[illegible] New York's Wagnerians were German in origin. In fact, so were most American music-makers in the 19th century. America, as we are often reminded, is a nation of immigrants. And those immigrants brought their love of music with them across the pond. Italian immigrants brought their opera, for example. But it was the Germans, especially, who had a long musical tradition. So it is no surprise that German composers like Beethoven and Wagner reigned supreme. German musicians and conductors were let go during World War I, to this country's loss, but the canon was already set.

One is left with the impression that America was a victim of her virtues. The country that welcomed the world also welcomed its music, overwhelming its own native talent. Most American composers modeled their works after European forms, producing work that was provincial while it was derivative.

It was a Czech—not an American—who tried to show a way out. Antonín Dvorák arrived in Manhattan in 1892 as director of the National Conservatory. The man who based much of his own work on Bohemian folk songs accepted the challenge of showing Americans how to create a national music: "There is more than enough material here and plenty of talent," he assured us. His achingly beautiful Ninth Symphony, *From the New World*, was the first American masterpiece, based on Native American and black melodies. Indeed, Dvorák declared, "In the negro melodies of America I

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discover all that is needed of a great and noble school of music." Horowitz calls Dvorák "wonderfully prescient"—it's just that the school of music he predicted turned out to be jazz, not an American classical music.

Why that never came to be is unclear. Horowitz believes that racism accounts for at least part of it—he quotes all too many contemporary critics and musicians who dismissed the Czech composer as a "nigger-lover." He also makes an interesting case that cities like Boston coddled their composers, stifling them while it supported them. Rebellion has been the source of much great art, after all.

Thus completes the first half of *Classical Music in America*: its rise. Out of nothing, scrappy Americans created symphony orchestras and opera houses to rival those of Vienna and Berlin. In 1902, Richard Strauss called the Boston Symphony the "most marvelous in the world." Dvorák forged a path to a real original American music. Everything seemed possible.

American art music really began to collapse, Horowitz believes, after the start of World War I. Oddly, that's just when America began to get composers whose names are still very well known—Samuel Barber, Aaron Copland, George Gershwin. But it's the even bigger names with which Horowitz is concerned—Vladimir Horowitz, Leonard Bernstein, and, most especially, Arturo Toscanini.

The Italian-born Toscanini became the music director of the New York Philharmonic in 1929 and the conductor of the NBC Symphony in 1937. The conductor, who was also the subject of an earlier Horowitz book, epitomizes for the author all that went wrong in American classical music. He started the now-ubiquitous tradition of the part-time principal conductor. Toscanini had little interest in championing or even performing new music: "Forty percent of his Philharmonic repertoire comprised music by Beethoven, Brahms, and Wagner." Toscanini's first European tour with the Philharmonic did not include a single work by an American.

But he was wildly popular. This may be where our much maligned celebrity culture began. The Luce press, *Time* and *Life*, reported in great detail on the maestro's personal life. The contents of his bag were revealed to a world waiting with baited breath. He became a model for the superstar conductor who devoted himself to interpreting the best music of the past—men like Herbert von Karajan and Leonard Bernstein.

Performers don't fare any better under Horowitz's pen. He indicts the Russian transplant pianist Vladimir Horowitz with a telling quotation. Horowitz once urged a student to exaggerate his playing: "If you play Classic music in correct style on a big piano and in a big hall, it will bore most of the audience." As a Viennese music critic said in another context, "America was truly the promised land, if not of music, at least of the musician."

While Horowitz sees this as a low point, classical music in this country may never have been more popular. "As many Americans know that Toscanini conducts an orchestra as know that Joe DiMaggio plays center field," *Life* reported in 1939. One wonders how many know the name of the current Philharmonic music director (Lorin Maazel) and that of, say, Kobe Bryant. Neither can one imagine today's cities in as much grief as Chicago was on the death of its beloved orchestra founder, Theodore Thomas: "Chicago's telephone operators were instructed to tell callers, 'Theodore Thomas is dead' before asking, 'Number, please.'"

If Toscanini is Horowitz's villain, the scourge of American art music, then the Boston Symphony's Serge Koussevitzky and the Philadelphia Orchestra's Leopold Stokowski are his heroes. According to Horowitz, these were about the only two conductors interested in American music. (He does a wonderful job of elucidating their charms: "Stokowski's . . . is the most feline Beethoven on record. It races or glides on cat's paws, a marvel of rippling musculature, of poised power and energy.")

But Horowitz provides many details that contradict his own complaint that American music wasn't given a chance in its own country. George Whitefield Chadwick, born in 1854, "swiftly became the most performed Boston composer (prior to the arrival of Serge Koussevitzky in 1924, his music was played by the Boston Symphony 78 times)." Of Charles Martin Loeffler, Horowitz writes, "his success as a composer was such that the Boston Symphony performed his music 117 times during his lifetime; his friend Heinrich Gebhard appeared as piano soloist in Loeffler's *A Pagan Poem* 66 times in 20 years with the orchestras of Boston, Chicago, Cleveland, New York, Philadelphia, Pittsburgh, and St. Louis, among others."

Even in the postwar period, where Horowitz locates classical music's decline, we find examples of orchestras showing the world what home-grown composers could do. A recent *Washington Post* story on the National Symphony Orchestra's 75th anniversary notes, "The NSO spent the entire summer of 1959 in Latin America, playing 68 concerts in 19 countries, with at least one American composition on every program."

There is plenty of evidence that American orchestras programmed American music. The problem seems to be that audiences weren't that interested. So many of the composers Horowitz tells us about, like Loeffler, are barely known today. The situation only seems to have gotten worse as the 20th century progressed.

Horowitz blames the lack of a vital American school of composition almost solely on the culture of performance—and the market. He is right, of course, to bemoan the situation we now find ourselves in, where most performers and conductors have little connection to the music of their own time. Few of these music-makers champion new American music; fewer still commission any. They still play primarily Bach, Beethoven, and Mozart. And it is also true, of course, that profit-seeking businesses often favor the tried and true over the unknown.

But these aren't the only reasons classical music is, as Horowitz says, "the American performing art most divorced from contemporary creativi-

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ty." As in other fields, the increase in the number of musical artists working in the academy has had a deleterious effect. Here it is the *lack* of a real market that is the problem. Writing for each other rather than the public, academic composers have created music that audiences have found to be unlistenable. Listeners—who on the whole prefer tonality to atonality—have, in many cases, rightly rejected music coming out of the ivory tower.

Neither does Horowitz spend much time on the question of music education. There was a time when almost every middle-class home contained a piano. Music was a part of everyday life, not something you listened to out of duty. Today, schools facing budget cuts and increased pressure to prepare students for the "information society" are dropping their music programs at an alarming rate. It's no wonder that, at classical concerts, most of the heads are gray. Optimistic critics tell us not to worry—when people get older and richer, they become more interested in attending concerts. But it's hard to believe that the people who are listening now to Shakira and Snoop Dogg are suddenly going to start listening to Schubert and Shostakovich when they turn 65.

Don't look to classical radio to pick up the slack. Washington, D.C.'s WGMS claims to be "the most-listened-to classical station nationally." Too bad, then, that it is pioneering a dumbing-down of classical radio in America. The station's programming includes "Mozart in the Morning . . . guaranteed to perk up your morning commute and get you to work fully charged," and "Rush Hour Relief [with] classical selections perfectly suited to calming your frazzled nerves." Stations used to play entire symphonies and concertos so audiences could hear how a work develops. Gone, too, are the days when classical radio exposed its listeners to the best of new music. Now, stations like WGMS, "your at-work station," tout classical music as something good only for background music.

Because Horowitz has difficulty seeing all the reasons for decline, he can't really point the way forward. There are constant hints here at the need for a government bureaucracy "dispassionately to sort things out." Yet one of the joys of his book is the fascinating collection of stories of very American entrepreneurs who pursued their own vision, tastemakers be damned. These are men like the impresario Oscar Hammerstein, cigar trader and grandfather of the Broadway lyricist, whose Manhattan Opera was much more amenable to modern repertoire than the Met's. Hammerstein offered *Salome* while the Met banned it after a single performance.

Most telling, perhaps, is Horowitz's phrase for the world in which we live now—"post-classical times." One wonders if he has actually given up on art music in America. He urges the traditional music schools to teach jazz and improvisation; but at the same time, he decries the fact that the Three Tenors have become "the dominant symbol of American classical music." None of the "crossover" acts have strengthened classical music in America. They only dilute and trivialize the music they claim to champion.

To find a solution, you need to understand the problem. And despite some blind spots, Joseph Horowitz has a pretty good grasp of the problem. The critic may emphasize the work of other critics, to the detriment of important composers and conductors. For such a big book, he spends little time on composers like Charles Ives, a versatile composer with a uniquely American sound. And Michael Tilson Thomas, one of this country's preeminent advocates of contemporary American composers, merits only a paragraph. He may ignore how Europe is dealing with a similar problem—there, programmers enjoy some success attracting younger audiences with later, shorter concerts. He may complain about aspects of contemporary performance—the showmanship, the pandering to audiences—that have been there since the beginning.

But Horowitz understands that leaders must challenge their audiences, setting taste themselves rather than allowing it to be set for them. His sprawling, ambitious, insightful book should be read by anyone who cares about art music in America. ♦

Antarctic Story

Why human beings like 'March of the Penguins.' BY JOE QUEENAN

Innumerable theories (well, let's say six) have been put forth to explain the phenomenal success of the documentary *March of the Penguins*. The most obvious is that everyone loves penguins, as opposed to wolves, deer, or mandrills. A recent film by the revered German *auteur* Werner Herzog, about a man who befriended an ingrate grizzly bear that eventually ate him, did not fare nearly as well at the box office, and sharks, rats, and anacondas have been in a serious commercial slump for some time.

It is not true, however, that affection for penguins is universal. When I suggested to my 85-year-old mother, who had not been to the movies since *The Mask of Zorro* came out in 1998, that we take in *March of the Penguins*, she politely declined, saying that she would rather wait for *The Legend of Zorro*, as she much preferred the way Antonio Banderas carried himself to the clumsy waddling of the self-absorbed denizens of the Antarctic

Joe Queenan is author, most recently, of Queenan Country: A Reluctant Anglophile's Pilgrimage to the Mother Country.

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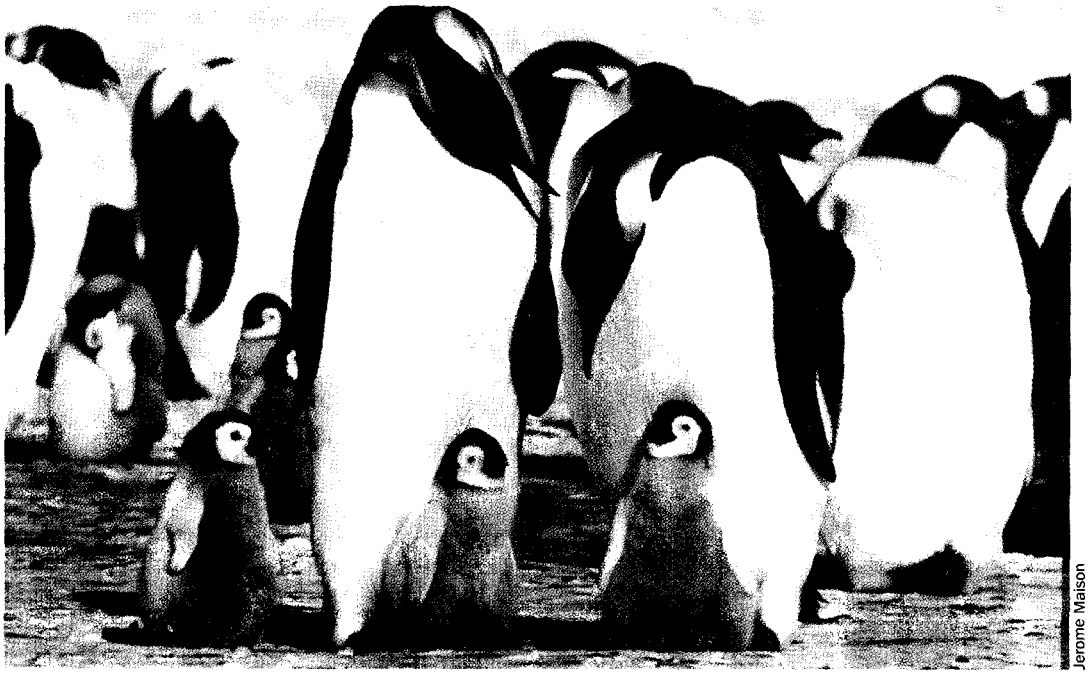

Jerome Maison

who, at least in her view, may only clamber about in that cunningly maladroit way when they know the camera is on them. (Of course, she is a typically contrary native Philadelphian, and may only be saying this to be mean.)

The heat wave that coincided with the release of the film may also explain why it did so well at the box office, as would the *Schadenfreudic* delight derived by Americans once they found out that the miserable camera crew that spent 13 months documenting the penguins' herculean mating rituals in the most brutal temperatures known to man—very nearly perishing in the process—were French. Nor can we overlook the fact that, at just 85 minutes, *March of the Penguins* is the perfect chick flick, providing men with a rare opportunity to accompany their spouses, girlfriends, or mistresses to a film they would probably not see if left to their own devices, but that at least will not make them ill. (The last film meeting these criteria was the 2002 comedy *Bend It Like Beckham*, which featured cute English girls in shorts.)

Yet another explanation for the success of the film is the notion that it supports the theory of intelligent design. Penguins clamber out of the water, waddle 70 miles to a mysterious, preordained mating ground, pair off with a suitable member of the opposite sex, and procreate. Then the winter sets in and the animals suffer prodigiously. Once the eggs appear, the males cover them with their fur, incubating them for four months while the females stagger back to the water, eat everything that isn't nailed down, then waddle back to feed the chicks. George Will, among others, has questioned how such a cumbersome, often fatal, procedure could possibly affirm the hidden hand of a wise, all-knowing creator. Frankly, a case can be made that the whole thing suggests that Mother Nature is sometimes asleep at the wheel.

Certainly, the fashion in which the film has been edited for release in America has contributed to its wide appeal. Shot and released by a French producer, the film originally featured talking penguins trying to make themselves heard above a lethal French soundtrack. But when it was repackaged by National Geographic, the cute dialogue got deep-sixed, a generic New Age nature film soundtrack was substituted, and the narration of Morgan "The Voice of God" Freeman was imposed over the proceedings. Narration is becoming terribly fashionable in films these days, as it liberates directors from the cumbersome duty of actually having to shoot their films. If you don't believe me, check out *Million Dollar Baby*. Or *Sin City*. Or *Good Bye, Lenin!* Or any other film released in the past three years.

My own theory about the film's popularity is much simpler. Initially, I subscribed to the belief that the public deliberately made a hit out of *March of the Penguins* just to punish Hollywood for continuing to release cynical trash like *The Island*, *Bewitched*, and *Stealth*. The public, an ornery lot, has done this sort of thing before, capriciously voting thumbs-down to industry-designated blockbusters, and transforming demure charmers like *Sideways* or cornpone like *My Big Fat Greek Wedding* into preposterously huge hits.

But at long last, I no longer think this is the case. Speaking for myself and, therefore, as a proxy for most redblooded males, I now believe that the appeal of the film abides in its deceptively ambiguous sexual politics. Just as women have always flocked to Cary Grant, Gregory Peck, and even Hugh Grant movies because they secretly wish they were married to debonair sophisticates instead of the tattooed psychopaths into whose hands Fate has delivered them, many women seem to be smitten by the selfless behavior of the male penguins, who not only help out with the kids, but do it in subfreezing weather where their very survival is at stake. It probably also helps that penguins have more hair than most American men past the age of 35.

Ironically, the film's appeal to men also relates to child-rearing, but for exactly the opposite reason. A male penguin spends four months on the edge of death in Antarctica, but after that has no other responsibilities to his offspring. He doesn't have to feed them. He doesn't have to nurture them. He doesn't have to raise the cash to send them to college. Medical coverage is not an issue. Hand-holding sessions are not required. This is why men draw exactly the opposite conclusion from the film than women: Most men would willingly suffer hideous deprivation for four months during a savage Antarctic winter if it would free them from any further responsibilities to their progeny.

Speaking personally, with two kids at expensive colleges, the whole thing strikes me as a win-win proposition. So next reincarnation, I'm coming back as a penguin. Sounds like an intelligent design to me. ♦

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"I think you're ready for the version where two of the pigs get eaten."

Books in Brief

***Where There's a Will* by John Mortimer (Viking, 238 pp., $24.95).** "At the end of your life," writes John Mortimer, "there may be a natural desire to take stock of your possessions and decide what, if anything, can be dusted off and usefully passed on." Following the example of W.B. Yeats, whose bequests consisted of "learned Italian things . . . and Poet's imaginings," Mortimer is certain that the most valuable things he can pass on to his loved ones are a lifetime of experiences and insights.

The great challenge to a writer, Mortimer points out, is to live a rich life in order to have something interesting to write about. Called to the bar in his twenties, Mortimer, whose alter ego Horace Rumpole is well-known to Americans, immediately came into contact with clients who were ready to pour out their life's secrets. "I was fortunate enough to meet murderers, con men, contract killers, politicians with unrevealed scandals and, on one horrible occasion, an assistant hangman."

A prolific novelist and playwright, and an occasional actor, Mortimer devotes one of his chapters to the importance of being a good listener, a skill he sharpened during his years at the bar ("A good half of a barrister's life is spent listening in silence in his chambers room or during a prison visit"). The ability to listen is also central to the success of a writer.

Mortimer brings a witty conversational style to an impressive array of subjects, from detecting a lying witness ("The worst liars may remember to wear ties and suits, speak considerately in time with the judge's pencil, call him 'My Lord' and survive a scorching cross-examination") to the dangers of computer technology ("In schools learning to manipulate these devices seems to have crowded out lessons in history, literature and music") and the difficulty of achieving true happiness ("Like nervous animals, our natural state is one of anxiety"). Well versed in both the law and literature, he draws effectively from the works of, among others, Shakespeare, Montaigne, Byron, and J.S. Mill.

Mortimer's politics lean strongly to the left, though one of his earliest warnings is to "avoid those whose views on every subject can be confidently predicted after you have discovered what they think about one." He calls the predictability of political viewpoints the "domino theory," and to demonstrate how this theory can be flouted, he offers his own experience leading the wheelchair battalion of country dwellers protesting the Labour government's threat to ban fox-hunting at a massive rally in central London.

A militant civil libertarian, Mortimer reserves some of his harshest rhetoric for the enforcers of political correctness, who have added "causing offence" to their list of pleasures to criminalize, in addition to "smoking, fox hunting, and the enjoyment of a motor-car." Contending that vigorous adversarial debate is central to both parliamentary and legal systems, he notes that "a state in which everyone tiptoed around whispering for fear of hurting somebody's feelings would be dull beyond human endurance."

There is the occasional disappointment, such as Mortimer's views on terrorism, which do not distinguish between those who commit it and those who fight it. And one suspects that his contempt for entrepreneurs and consumer choice in contemporary British society (which he associates with both the Thatcher era and New Labour) are as related to upper-class snobbery as to politics. Still, we should be grateful that John Mortimer has shared with us a wealth of useful advice based on the experiences of a life richly lived.

—David Lowe

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Parody

"I've always liked Judy Miller. . . . The traits she has that drive many reporters at The Times crazy—her tropism toward powerful men, her frantic intensity and her peculiar mixture of hard work and hauteur—have never bothered me. I enjoy operatic types. . . . Judy told The Times that she plans to write a book and intends to return to the newsroom, hoping to cover 'the same thing I've always covered—threats to our country.' If that were to happen, the institution most in danger would be the newspaper in your hands."

—Maureen Dowd, the *New York Times*, Oct. 22, 2005

[illegible]

[illegible] Homecoming Float Committee

Oct 22, 2005

Dear Gail,

I'M so glad you liked the float! We worked, like, a thousand hours on it and I can't tell you how many people told us it was the best thing about Homecoming! But to be honest, I wouldn't be telling you the whole truth and nothing but if I didn't fess up that we managed to get it finished on time in spite of the fact that somebody insisted on putting Moody Tiller on the committee! Can you believe it?

I've always liked Moody, and the things that drive the other sisters crazy about her don't bother me! Really! But after the last few weeks, I know where she got her nickname! Bitch, bitch, bitch, always yapping about how A+M was building a float that would destroy ours in the competition! Well, it turns out A+M didn't even enter a float, so I guess the whole thing was made up!

All the girls wanted the theme to be about Theta—you know, something about us being the best sorority at State, and how being in Theta is the greatest!—but Moody kept drifting in when we were killing ourselves and all she could talk about was A+M this and A+M that and how the Vice President for Administration's assistant told her A+M's float was incredibly cool and we'd better do it her way! Well, pardon ME—whose float won the prize, even if Moody didn't get her way? I mean, it was so bad, even the Greek guys were saying what's with Moody? Reeve Stattner and Cinch Pulzberger were helping us with bunching up the Kleenex for the throne part of the float and Reeve said he thought maybe Moody needed some of the Kleenex because it was that time of the month! And they used to like practically live together last year!

Omigod, I almost forgot! Cinch told me he really thought the float was great because of me and that the best part was my

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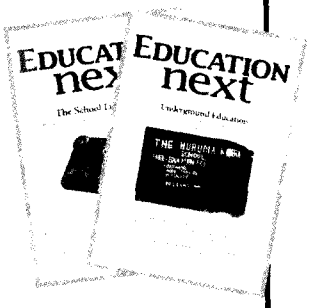

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In the forthcoming issue of

"Acting White"

The social price paid by the best and b

"Acting white" was once a label used by scholars to characterize academically inclined, but allegedly snobbish, minority students who were shunned by their peers. Now that it has entered the national consciousness—perhaps even its conscience—the term has become a slippery, contentious phrase whose meaning is open to many interpretations. What I mean by acting white is a set of social interactions in which minority adolescents who get good grades in school enjoy less social popularity among their same-race peers than white students who do equally well academically. For the small percentage of black and Hispanic students who attend private school, however, I find no evidence of a trade-off between popularity and achievement. Most studies of academic achievement find little or no benefit of attending a private school for whites but quite large benefits for African Americans. It may be that blacks attending private schools have quite a different peer group.

—Roland G. Fryer

Advanced Placement Turns Fifty

An elite program designed in anticipation of cold war needs

The idea for the Advanced Placement (AP) exam emerged from elite colleges, prep schools, and high schools as a way of accelerating and fortifying the education of the nation's future leaders in anticipation of cold war national-security demands. A half-century later, the cold war over, the AP program is still with us. The essentials remain the same: high-school students take college-level courses, taught by teachers in their schools, and then take exams designed by the College Board to show they have mastered the subject at college-level proficiency. But despite the vast expansion of the number of students taking AP courses and exams since 1956, it is still the case that less than 10 percent of all those entering high school ever pass an AP examination.

—Andrew Mollison

Paid for by the Hoover Institution, Stanford University

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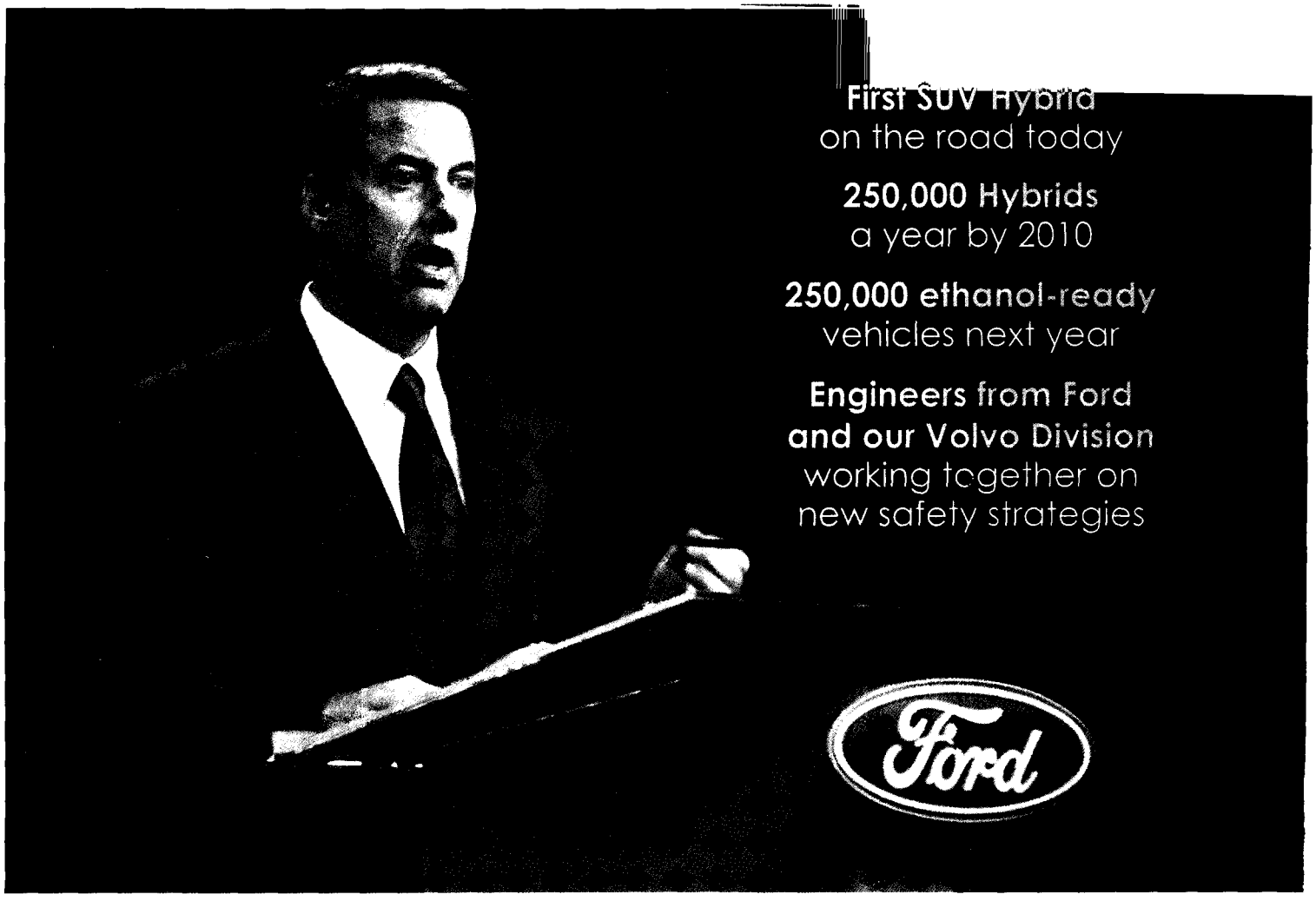

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